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WILLIAM PEARCE AND FEDERAL GOVERNMENT
ACTIVITY IN WESTERN CANADA 1882 - 1904

by



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The undersigned certify that they have read,
and recommended to the Faculty of Graduate Studies for
acceptance, a thesis entitled "William Pearce and Federal
Government Activity in Western Canada 1882-1904" submitted
by E. Alyn Mitchner in partial fulfilment of the
requirements for the degree of Doctor of Philosophy.

ABSTRACT

This is a study of the role played by William Pearce as an administrator and policymaker for the Department of the Interior 1882-1904. Appointed to the Dominion Lands Board in 1882 he became Superintendent of Mines in 1884. As the chief government agent in the Northwest Territories he was responsible for the planning and the implementation of the federal government's western policies with regard to the development of all the land, timber, mineral and water resources throughout the Northwest.

His extensive travels within the Territories in the course of his duties made him the government's expert on western affairs. His observations on the needs and desires of the westerners and his perception of the difficulties of Territorial growth were reported directly to the Prime Minister where they played a major role in the formation of the government's western policy.

Between 1882 and 1885 Pearce was primarily concerned with his duties under the Dominion Lands Board. He administered the Outside Service of the Department of the Interior, established regulations to assist in the control of the land rush of 1881-1883, devised means to eliminate land speculation on the frontier and carried out a special commission to investigate and settle the

"old settlement" land claims in the Prince Albert, Battleford and Calgary districts. After the Riel Rebellion of 1885 he prepared the official government report on the causes of the unrest.

The office of the Superintendent of Mines was established in 1884 in anticipation of a mining boom in the eastern foothills of the Rocky Mountains. When the rush failed to materialize Pearce became a government trouble shooter. His influence can be plainly seen in the development of stock water reserves, the adjudication of the Canadian Pacific Railway's land grant, the establishment of a National Parks system and the conservation and development of Territorial water resources.

Between 1890 and 1904 he was primarily concerned with the promotion of irrigation as a solution to the drought conditions on the southern plains. In addition to constructing his own irrigation scheme he played a decisive role in convincing the government of the need for Territorial water management, was the prime instigator of the Northwest Irrigation Act of 1894, represented Canada at two International Irrigation Congresses and played a vital part in the planning of the Canadian Pacific Railway's Irrigation Block. In 1904 he left the government service to become an official of the railway.

The major primary sources for this study were the

William Pearce Papers in the University of Alberta Archives, the Records of the Department of the Interior and the Macdonald Papers in the Public Archives of Canada and the Glenbow-Alberta Foundation Archival collection on the early history of the Northwest Territories.

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PREFACE

This is a study of the part played by William
Pearce¹ in the development of western Canada as an employee
and subsequently as a senior official with the Department
of the Interior, 1874-1904. In 1882, after eight years of
field work in the West, he was appointed to the newly
established two man Dominion Lands Board as the Inspector
of Lands Agencies. He and the Commissioner of Dominion
Lands, Aquila Walsh, were responsible for the regulation
and settlement of lands in the Northwest Territories and
for formulating resource development policies encompassing
an area stretching from Winnipeg to the Rocky Mountains and
from the International Boundary north to the 60th parallel.
In 1884 he was promoted to the position of Superintendent
of Mines which gave him the added responsibility of
supervising new mining developments in western Canada.

By the nature of his duties he travelled
constantly throughout the West and his accurate observation
of the prairie scene soon made him the federal government's
expert on western affairs. Between 1882 and 1896 he was a

¹

See biographical note, Appendix A.

trusted adviser on western matters to five Prime Ministers and six Ministers of the Interior. His influence on the development of the government's western policies was great. After the Liberal election victory of 1896 Pearce discovered that his ability to influence the government was greatly curtailed and this coupled with the move towards provincial autonomy led him to leave the government service in 1904. From that date until shortly before his death on March 3, 1930 at the age of 82 Pearce assumed the responsibilities of an officer of the Canadian Pacific Railway where his contribution to western development was as great as it had been during his government service. The volume of material available in the Pearce Papers, the influence of Pearce in so many facets of western development, and the physical limits of time have helped to limit this study to an examination of Pearce's government career.

2

William Pearce, the surveyor, was born on February 1, 1848, at the family farmstead about five miles west of Port Talbot in Dunwich Township, Elgin County, Ontario. The Pearce family was a closely knit group proud of its place within the Talbot Settlement on Lake Erie, pillars and benefactors of St. Peter's Anglican Church at

2

The continued use of William by each generation of the Pearce family has led to this nomenclature.

Tyrconnel, and sensitive to the civic responsibilities their position in the community demanded. During William's youth he was well schooled in his family's proud Canadian heritage. He had been instructed how through their own industry, resourcefulness and perseverance the family had succeeded in making a home for itself in the timbered wilderness of the north shore of Lake Erie and had on occasion defended it against armed invaders. The family farmstead had been established by John Pearce on July 14, 1809, when along with three other families he had taken up lands in the Talbot Settlement that had been purchased the previous year. The family recalls as a mark of honor that Colonel Talbot had himself carried John's four year old son up the steep cliffs to their land, when John and his wife Frances (Patterson) settled on lot 10. The others were Mary (Patterson) Storey, lot 11; Leslie Patterson and his wife Lydia (Backus), lot 12; and Stephen Backus and his wife Anne (Storey), lot 13. Interrelated through marriage these pioneers had together come from Pennsylvania to remain under the British flag. Together they formed the nucleus of the Talbot Settlement and throughout the difficult period ahead, when other immigrants dissatisfied with the size and shape of their concessions sought Talbot's removal, they were to remain staunchly loyal to the settlement's founder.

The family's unending labors to transform the unbroken hardwood forest into farm land were interrupted during the War of 1812-1814, and again during the Rebellion in Upper Canada in 1837, when they were forced to resist armed dissidents. It was during the latter period of unrest that Frances experienced the ransacking of her house when the menfolk were away on patrol. Most of the family's homemade furniture and clothing were seized and forcibly taken from her. Then, just as she was recovering from this catastrophe, the marauders returned to burn the mill and stores. Despite the loss of their belongings the family persevered to re-establish their home. The heartbreak suffered as a result of these events was deeply embedded in Pearce's mind. He could find no justification for armed resistance within a civilized society, and his inbred abhorrence of rebellion was to influence his attitude towards the Métis in western Canada during the period of their armed resistance to Canadian authority in 1869 and 1885. He always maintained that proper punishment of the "rebels" in 1870 would have effectively stopped future unrest on the plains.

As soon as he was old enough Pearce took his share in farm duties. The work of clearing the hardwood trees from the land was hard and he soon learned the value of the endurance and perseverance which had permitted the family to survive the challenge of nature and man in the early years. Even after he had left the farm to attend St. Thomas School

and later the University of Toronto he would return at every opportunity to help expand the farmstead through the continuing clearance of the forest. His farm work helped him to develop a powerful physique which was to be of great benefit to him in his field work in the undeveloped regions of the northern Ontario forest and in the Canadian West. His independence, rugged individualism and personal integrity were similarly products of his youthful experience. They were to serve him well when as a senior government official he was to face a succession of explosive situations on the western frontier.

The study of Pearce's government service falls naturally into two periods, 1874-1886 and 1886-1904. In the first Pearce was primarily involved in government activity related to the allocation of the land resources of the Northwest Territories. As the Inspector of Lands Agencies he was responsible for the administrative structure and the expansion of the "Outside Service", the men in the field. He was also responsible for the settlement of disputed land claims in the Territories and for stopping land speculation.

During this period Pearce was first used by the Minister of the Interior in the role of trouble-shooter when in 1883 he was commissioned to investigate and adjudicate the claims to land in the older settlements along the North Saskatchewan River. The decision to build the Canadian Pacific Railway nearer the International Boundary had diverted government surveys from these communities which

had been established in the past as missions and fur trade posts. Without surveys the settlers could not gain title to their claims, and without title they could not legally indulge in any real estate transactions. The diversion of the surveys to the south gave rise to heated feelings amongst the settlers towards the government. Pearce was ordered to examine their grievances and to bring the matter to a satisfactory conclusion.

Later Pearce was asked to prepare a report on the Dominion Lands Branch's responsibility for the Saskatchewan Insurrection of 1885. His report, based on the public and private correspondence of the Prime Minister and other senior government officials as well as his own personal investigation of the Prince Albert region, was widely circulated in both the English and French languages by the Conservatives as campaign literature in the general election of 1887 to counter Liberal charges of maladministration within the Department of the Interior.

After 1886 Pearce's activities were directed towards the formulation of resource development policies. In anticipation of a mining boom in the eastern foothills of the Rocky Mountains resulting from the construction of the Canadian Pacific Railway's mountain section the Department of the Interior, with some foresight, established in 1884 the office of the Superintendent of Mines for the purpose of regulating the expected mineral development.

Pearce was chosen for the position. When the rush did not materialize he was able to devote his time to the planning of comprehensive long range development projects aimed at the controlled use of Territorial resources. Among the most ambitious of his many projects were the creation of a National Parks System and the diversion of western rivers onto the semi-arid plains for purposes of stock watering and irrigation. The most impressive of his irrigation plans was the Bow River scheme by which the Canadian Pacific Railway was given en bloc some 2,900,000 acres east of Calgary on the condition that these marginal agricultural lands would be reclaimed through irrigation. His interest in these projects and in the development of a western petro-chemical industry were carried over into his employment with the Canadian Pacific after 1904.

Throughout his life Pearce kept copious notes on his observations of the development of western Canada. These notes form part of the 192 feet of the Pearce Papers at the University of Alberta. The Pearce collection also includes many original files from the Office of the Inspector of Lands Agencies and from the Office of the Superintendent of Mines, original policy files of the Department of the Interior pertaining to the affairs of the Dominion Lands Board and a considerable volume of correspondence between Pearce and senior members of the government and officials of the civil service between 1874 and 1930. In addition Pearce also collected a number of original maps, reports and documents

relating to the entire spectrum of western development. This material was gathered by him for the purpose of writing a history of western Canada.⁴ Because of his position he was able to call upon senior members of the government and important members of the public to solicit their records for his use. Many of these records remain in the collection. As such the Pearce Papers comprise a unique and highly important collection of documents relating to the history of Western Canada.

The preponderance of the Pearce collection however raises certain problems in a biographical study of this nature. It is difficult to define the precise character of Pearce's influence on the development of western Canada because there are no other substantial collections which could be used to substantiate or modify the view of Pearce's role as it exists in the Pearce Papers. Government documents and publications where one might turn for confirmation of the importance of his work, such as the Official Reports of the Department of the Interior or the Sessional Papers, are themselves largely the work of Pearce and reflect his views of policy. No matter where one turns one always comes back to what is essentially Pearce's view

Between 1920 and 1930 Pearce attempted to have his manuscript published. A copy of one of the drafts of this work may be found in the Legislative Library of the Province of Alberta where it is known as the Pearce manuscript.

of himself. All the primary sources consulted are in agreement as to Pearce's predominance in the shaping of the government's western policies but whether these policies were in the best interests of the region must remain a matter of conjecture.

In the preparation of this dissertation the author wishes to express his sincere appreciation to Dr. L. G. Thomas, supervisor of the work, for his guidance and assistance in the preparation of the manuscript and to Dr. L. H. Thomas for his encouragement and help during the initial phase of the research. He also wishes to thank the staffs of the Public Archives of Canada, and the public and private archives in western Canada who have been helpful in the quest for material. In particular the co-operation and assistance of Miss S. Jameson and her staff at the Glenbow-Alberta Foundation in Calgary and Miss D. I. Hamilton and Mr. I. McMullen of the Rare Book and Archives section of the University of Alberta is most gratefully acknowledged. A very special thank you must be given to Mrs. Joyce Payne for her work in the preparation of a most difficult manuscript. The author would also like to thank the National Advisory Commission on Water Resources Research, now of the Department of the Environment, for their generous financial support.

ABBREVIATIONS

GAFA: Glenbow-Alberta Foundation Archives, Calgary.

Interior Records: Records of the Department of the Interior, Public Archives of Canada, Ottawa.

Interior Reports: Annual Reports of the Department of the Interior as published in the Canada Sessional Papers.

Interior Survey: Records of the Surveys Branch of the Department of the Interior, Public Archives of Canada, Ottawa.

OIC: Order-in-Council.

PAC: Public Archives of Canada, Ottawa.

PAA: Provincial Archives of Alberta, Edmonton, Alberta.

PAM: Provincial Archives of Manitoba, Winnipeg, Manitoba.

PASR: Provincial Archives of Saskatchewan, Regina, Saskatchewan.

UAA: University of Alberta Archives, Edmonton, Alberta.

WPP: William Pearce Papers, University of Alberta Rare Book Room, Edmonton, Alberta.

WPLB: William Pearce Letter Books, University of Alberta Rare Book Room, Edmonton, Alberta.

CHAPTER I

INTRODUCTION

In the fall of 1878 Sir John A. Macdonald led his Conservative Party to a sweeping victory over Prime Minister Alexander Mackenzie and his Liberal Administration. A flowing tide of Canadian feeling in support of Macdonald's policies of economic nationalism and transcontinental expansion had given him a clear mandate to continue with his design of nation building which had been interrupted when the Pacific Scandal precipitated his fall from power in 1873. He had campaigned on a platform that promised to strengthen the national economy by tariff protection of domestic industries and to further the consolidation of the Dominion by hastening the construction of the transcontinental railway which would establish an east-west transportation and communication axis as a basis for a separate Canadian existence on the North American Continent.

The railway to the Pacific was essential to Macdonald's plans to integrate the western regions with the nation. When completed the railway would provide an important avenue of access to the Pacific and would bind the West to the Dominion by breaking down the divisive physical barriers of the Canadian Shield and the Rocky Mountains which isolated the Provinces of Manitoba and British Columbia and the Northwest Territories from central

Canada and made them vulnerable to American domination. A Canadian railway crossing the western plains would provide the means for the rapid settlement of the western interior with sufficiently large numbers of people to warrant its organization into stable political units capable of withstanding the American threat. The construction of a railway to the Pacific and the settlement of the West were the principal objectives of Macdonald's western policy.

Macdonald feared that failure to achieve either of these goals would result in at least a portion, if not all,¹ of the western regions being drawn into the American Union. The entrance of British Columbia into Confederation in 1871 had been conditional upon the completion of a railway link with the East to be completed within ten years of the date of entry and by 1878 her citizens were becoming more vocal in their disenchantment over Canada's inability to make substantial progress towards carrying out that part of the agreement. There also existed an immediate need to quicken the building of the Pacific railway to quiet the growing unrest in the coastal province which was generating popular support for the American faction and its proposal of union with the United States. The railway would also meet the challenge to

1

Joseph Pope, Correspondence of Sir John A. Macdonald (Garden City, N.Y.: 1921), pp. 124-125. Macdonald to C. F. Brydges, January 28, 1870. "... (The United States is) resolved to do all they can, short of war, to get possession of the western territory.... One of the first things to be done is to show unmistakeably our resolve to build the Pacific Railway."

Canada's sovereignty in the Northwest Territories created by the northward thrust of American economic and political influence which accompanied the attempts of the Northern Pacific Railroad to establish itself as the principal commercial artery for the northern plains. Its expansion if unchecked might well result in the Territories succumbing to American control.

On October 21, 1880, the Macdonald Government was able to effect a contract with a group of private railway investors² for the construction of the Canadian Pacific Railway. This Syndicate undertook to build 1900 miles of main line from Callandar Junction³ in the East to Port Moody on the Pacific Coast and to operate the line in perpetuity. In return the Government agreed to pay the Syndicate \$25,000,000 and to give the company 25,000,000 acres of land which was to be "in a material way fairly fit

2

All the members of the Syndicate except J. S. Kennedy, a New York banker, were Canadian or former Canadians. They included James J. Hill, a successful promoter of the Minneapolis, St. Paul and Manitoba Railroad and later promoter and President of the Great Northern Railroad; George Stephens, past President of the Bank of Montreal and President of the Canadian Pacific Railway 1881-1888; R. B. Angus, General Manager of the Bank of Montreal; Duncan MacIntyre, who controlled the Canada Central Railway; and Donald A. Smith. They obtained limited financial support from John Reinach and Company, Paris and Morton Rose and Company of London.

3

Callandar Junction was located at the east end of Lake Nipissing at the terminus of the Canada Central Railway.

4
for settlement".

There was never any doubt that the Canadian penetration to the Pacific would be expensive. The cost of continental expansion was staggering and far beyond the immediate means of the federal treasury. Macdonald had, however, already decided that the enormous potential of the undeveloped resources of the Northwest Territories would be allocated to defray the expenditures required to achieve his transcontinental objectives. His western policy was based on the premise that the land and mineral wealth of the western interior was to be exploited for the national purpose. The magnitude of the concessions given the Syndicate in the pursuit of national goals indicated the seriousness with which Macdonald viewed the threat of American domination over the Canadian West. He believed that the construction of the railway was an immediate need and that its completion was essential for the retention of the West. He was able to carry this view in Parliament which ratified the agreement with the Syndicate on February 15, 1881.

5
Shortly after the passage of the Railway Act James Hill acting as spokesman for the Syndicate announced

4
The land grant was to be taken from within the Northwest Territories. For this purpose the government initially set aside all the odd numbered sections in a belt twenty-four miles wide on either side of the main line.

6

a new route for the proposed railway. The Syndicate had decided against the government's proposed northern route through the fertile valley of the North Saskatchewan River and over the low grades of the Yellowhead Pass to the Pacific in favor of a more southerly route running parallel to and a short distance above the International Boundary. This route would skirt the north shore of Lake Superior across the difficult terrain of the Canadian Shield. From Winnipeg it would strike boldly out across the short grass plains towards the valley of the Bow River and the foothills of the Rocky Mountains. At the time Hill made his decision public his locating engineers had yet to discover a southern mountain pass suitable for rail transportation but he considered this immaterial as he had in fact no intention of committing the financial resources of the Syndicate to the economic folly of attempting the construction of a line through the Rocky Mountains or

William Pearce, "Construction of What is now the Main Line of the Canadian Pacific Railway from Montreal to Port Moody Together with its Chief Western Subsidiary The Crows Nest Pass Railway" unpublished MS, WPP, file 19.C.24. As a senior official with the Department of the Interior Pearce was privy to the negotiations between the government and the Syndicate concerning the construction of the Canadian Pacific. He was also on the most familiar terms with many of the members of the Syndicate as well as other senior officials of the railway. His intimate knowledge of the collaboration between the railway and the government at the policymaking level emphasizes the importance of this manuscript.

7

across the Canadian Shield.

Hill planned to by-pass the Lake Superior route by diverting rail traffic south from Sault St. Marie to Duluth and to St. Paul over the South Shore and Atlantic Railway, in which he anticipated gaining a controlling interest. From St. Paul the traffic would be sent north to Canada over the Minneapolis, St. Paul, and Manitoba Railroad, already under his control, or along a series of branch lines he foresaw linking the Northern Pacific Railroad, which at this time he also contemplated controlling, and the Canadian Pacific Railway. These branch lines would effectively unite the two railway networks and capture all of the trade of the northern plains for the Hill interests.

8

9

In 1881 Hill employed William Van Horne, an

7

Ibid., pp. 12-18.

8

Idem. Hill had located fourteen such branch lines between Winnipeg and Regina. Another route threaded the border between Trail and the Okanagan Valley. On a Canadian Pacific Railway construction map of 1882 Pearce saw a main line that swung north from Moose Jaw to Edmonton. On this map all the traffic was laid out to flow south-east.

Hill did not gain a financial interest in the Northern Pacific but later promoted the construction of the Great Northern Railroad of which he became President.

9

Van Horne had held a number of positions with various American railroads and in 1880 had been made the General Superintendent of the Chicago, Milwaukee and St. Paul Railroad, then the most extensive railway system in the United States.

American railroad engineer of note, to go over the Lake Superior route from Sudbury Junction to Fort William and to draft a report damning it as totally unsound. Van Horne's report confirmed Hill's views. To build a railway through 600 miles of muskeg, lakes, rock and forest would be extremely expensive and perhaps physically impossible. Apart from the original costs of construction Van Horne predicted that should the line be completed the inhospitable terrain could never support a large enough population to carry its daily operating expenses. As a result of this report and Van Horne's reputation as an aggressive, hard-driving engineer Hill promoted him to the position of General Manager of the Canadian Pacific Railway and placed him in charge of the railway's overall operations.¹⁰

When Hill's plans to abandon the all-Canadian route became known they gave rise to speculation amongst the members of the cabinet as to whether that route would ever become a reality.¹¹ Macdonald was furious over Hill's duplicity. He had gone down to defeat in 1873 over the charge of undue American influence in an earlier railway

10

Pearce, "History of the Mainline of the Canadian Pacific Railway", pp. 12-18.

11

Idem., Pearce estimated that from this time on over 50% of the Conservative caucus doubted the practicability of the Canadian route.

proposal and he feared that his political career depended on his ability to make the Canadian Pacific an all-Canadian road. He immediately acted to block Hill's proposals. He appealed to the other members of the Syndicate for their support, urging upon them the overriding political and military considerations favoring the Canadian route. He was able to win a majority of them to his view, including George Stephen, a key figure in the Syndicate and past President of the Bank of Montreal, who in the fall of 1881¹² gave a series of public addresses in Toronto favoring the Canadian road. The most welcome convert to Macdonald's proposals was however William Van Horne, formerly one of the chief critics of the northern route.

Van Horne was an ambitious man and what he built he wanted to control. He differed with Hill over the wisdom of forcing a confrontation with the Prime Minister over a choice of routes for he was certain that in such a case the Syndicate was certain to lose. In reference to his previous stand on the Canadian route he assured Macdonald that although he still believed the government's scheme to be unsound the engineering difficulties of such

Idem., Pearce claimed Prime Minister Macdonald promised Stephen a knighthood for his support. Stephen was made a baronet in 1886 for his overall contributions to the building of the Canadian Pacific Railway.

a project had aroused his interest. If Macdonald insisted on the Canadian route and if the government was willing to defray any additional costs, he wanted to be in charge of the construction of the challenging Shield and Mountain sections.

Faced with the determined opposition of the Prime Minister, his colleagues on the Syndicate and his own managing director, Hill withdrew from the Canadian Pacific venture in 1883 taking with him J. S. Kennedy, a New York banker and highly respected railway financier. Kennedy's withdrawal was precipitated by his assessment of the financial implications of constructing the Shield section. This he considered to be foolhardy. His loss was a serious blow to the remaining members of the Syndicate who from this time forward found it increasingly difficult to obtain favorable conditions on the New York money market.

Although the Syndicate had agreed to adopt an all-Canadian road Van Horne was irrevocably committed to the construction of the southern route. The decision to proceed in close proximity to the International Boundary resulted in the diversion of settlement in the Northwest Territories from the relatively fertile regions of the North Saskatchewan River Valley to the semi-arid short grass plains. Van Horne's single consideration in making the decision to build in the south was his determination to stop Hill from gaining a foothold north of the 49th parallel. To him all

other considerations were immaterial.¹³ He was fully prepared to use the political barrier of the International Boundary to defeat his former employer's plans for commercial expansion onto the Canadian Plains. No other route would so effectively block Hill from the Canadian West and it was this reasoning that led to the decision¹⁴ to proceed with its construction.

The government agreed to the change in route in the belief that within a decade the Canadian West would have a railway network which would service the older settlement areas on the North Saskatchewan River and it was therefore of little consequence which route was constructed first. In acquiescing in Van Horne's proposals the government agreed to what was then thought to be a temporary diversion of settlement to less fertile lands.

The proposal to renew railway construction immediately precipitated the long anticipated land rush onto the Canadian Plains. Even before serious negotiations had been undertaken between the government and the Syndicate squatters and land speculators had moved onto the plains to take up land along what they believed to be the path of the

13

Idem.

14

Idem.

main line. They were the vanguard of a flood of settlers which accompanied the building of the railway and touched off a land boom in Manitoba and the Northwest Territories¹⁵ beginning in 1878.

Macdonald was aware of the American experience with land booms and he realized that unless this land rush could be regulated the Northwest would certainly face the same volatile situations that had characterized the settlement of the American frontier. This he was determined to avoid. He did not relish the thought of the danger to his administration implicit in the frenzied actions of an uncontrolled mob competing for the land resources of the Canadian West. As the nation's Prime¹⁶ Minister and the Minister of the Interior he was determined to regulate Territorial development by creating an administrative structure within the Department of the Interior capable of controlling the long awaited rush.

He was fully aware that with its existing structure the Department of the Interior could not impose adequate control over the movement of large numbers of peoples on a remote frontier. When the Department of the Interior had

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Interior Report, 1878, Report of the Minister of the Interior, pp. vi-xvii.

16

Macdonald retained the Interior Portfolio till 1881. Senator D. L. Macpherson became Acting Minister of the Interior in 1881 and Minister of the Interior in 1883.

17

been established in 1873 the settlement of the West was in its infancy and the regulation of its development from Ottawa by the Department's Inside Service had proven reasonably satisfactory. But the accelerated movement of immigrants onto the frontier which began in 1878 had placed an increasing clerical burden on the Ottawa staff to the point that by 1880 it had fallen six months behind in its correspondence. 18 The difficulty the Inside Service was experiencing in processing patents to a limited number of land claims clearly indicated that the administrative procedures of the past would be inadequate to the task of managing the work emanating from a full scale land rush.

19

To meet this situation Macdonald decided to reorganize the Lands Branch of the Department of the Interior. A new authority, the Dominion Lands Board, was to be formed with the responsibility for the administration

17

Interior Report, 1881, Appendix, Report of the Minister of the Interior to the Privy Council October 31, 1881. The Department of the Interior came into being July 1, 1873 (36 Vic. Cap. 4.).

18

The volume of correspondence had grown to 30,000 letters annually on land matters alone. Interior Report, 1881, Report of the Minister of the Interior, v-xi.

19

The Department of the Interior was initially organized into five branches, Northwest Territory Affairs, Indian Affairs, Ordinance and Admiralty Lands, Dominion Lands and Geological Survey. 36 Vic. Cap. 4.

20

of all crown lands throughout the Dominion. Situated in Winnipeg, the Board would have sufficient powers to regulate settlement on the frontier, provide for the peaceful division of Territorial resources, adjudicate the "fairly fit for settlement" clause of the Canadian Pacific Railway Charter and to supervise the Outside Service consisting of its employees in the field. Under the new division of responsibilities the Board would thus relieve the Inside Service of most of the duties pertaining to land matters. 21

As Macdonald saw it the members of the Dominion Lands Board would have the responsibility for making regulations, recommending legislation, formulating resource development policies and supervising the exploitation of all land, timber, mineral and water resources throughout the Northwest. In addition the Board's members would send him their observations of the western scene. Previously the government's western policies had been cautious because of the dearth of information on Territorial resources it possessed. This undesirable situation would now be remedied as the lands officials would be in a position to transmit information on the frontier directly to him and he

20

Correspondence and regulations governing the establishment of the Dominion Lands Board, October 31, 1881, Interior Report, 1881, Appendix.

21

The processing of land patents remained the responsibility of the Ottawa staff.

was prepared to be influenced by their recommendations regarding Territorial development. In this way the government's western policy would mirror the needs of the region.

22

Initially the Dominion Lands Board was to consist of two men, a Commissioner for Dominion Lands resident in Winnipeg who would assume the overall administrative duties of the Board and an Inspector of Lands Agencies who would be responsible for the supervision of the Outside Service and all the field operations. Macdonald chose Aquila Walsh as the first Commissioner of Dominion Lands. He had been a Conservative Member of Parliament and had proven his administrative capabilities as a member and subsequently chairman of the Intercolonial Railway Commission. Walsh was to have general supervision over land matters in

23

22

Macdonald had hoped that the establishment of the Dominion Lands Board would permit the Minister of the Interior to be relieved of much of the paperwork pertaining to western land development. The Board however did not fully assume the exclusive powers Macdonald had intended. This was in part due to the insistence of Senator D. L. Macpherson, Acting Minister of the Interior 1881 and Minister of the Interior 1883, on approving even the most minute matters of change in policy. During the land rush the Board was unable to utilize its powers to their full extent because of the necessity to refer all but routine matters to Ottawa. The result was that such a large volume of material was forwarded to Macpherson for his approval that it was physically impossible for him to peruse it. He was thus unable to provide the necessary leadership that the Department of the Interior required during this critical period.

23

Interior Records, 106923, A record of appointments to the Dominion Lands Branch, 1873-1885.

Manitoba and the ultimate responsibility for the work of the Dominion Lands Office staff in the Winnipeg Agency.

William Pearce, who as a surveyor with the Department of the Interior had had extensive experience in the Northwest, was chosen as the Inspector of Lands Agencies.²⁴ His primary duties were to investigate and supervise the various Lands Agencies²⁵ now springing up on the prairies in response to the settlement wave. He was to ensure a uniform compliance with the land laws by the local land agents which he would achieve through frequent and systematic investigations of their regional offices. In addition it was felt that because of the nature of his duties he would quickly become an expert on western affairs. Macdonald was aware of the benefits that would accrue to the government from having its own trusted advisor in the Territories reporting his observations on the state of western development. He directed Pearce to report immediately to him any matter deemed worthy of consideration concerning the progress of western growth. In effect Pearce would become Macdonald's

24

Pearce was recommended for the position by the Deputy Minister of the Interior, Col. J. S. Dennis, and the Surveyor-General of Canada, Mr. Lindsay Russell. Pearce to Clifford Sifton, Minister of the Interior, January 31, 1901, WPP, file 22.126.

25

See page 41.

personal representative on the frontier. His reports were to form the basis of the government's western policies and he would thus assume an influential policymaking role.²⁶ To the degree that Pearce could ascertain the needs of the Territories the government's policy would encompass their needs.

Pearce had been recommended for the position of Inspector of Lands Agencies by the Deputy Minister of the Interior, Col. J. S. Dennis, who had been responsible for bringing Pearce into the government service in 1874. In 1873 Dennis had been designated the Surveyor-General of Canada under the proposed organization of the Department of the Interior.²⁷ That spring he had been in Ontario recruiting surveyors for his staff and Pearce was one of the men he approached with an offer of employment with the Department's Surveys Branch in the Northwest. Pearce had just received his certification as a Province of Ontario Land Surveyor in October 1872 and he had been highly recommended to Dennis by other surveyors who had observed his work during his apprenticeship training.

Pearce had first become seriously interested in

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The consistency with which the Department of the Interior approved Pearce's recommendations resulted in his becoming recognized by the settlers as the senior government agent in the West.

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OIC May 3, 1873. Dennis had previously been the Surveyor-General of the Department of Public Works.

making surveying a career in 1869²⁸ when along with his fellow students in the School of Engineering at the University of Toronto he became involved in a series of exploration surveys then being initiated by the Ontario Government. These surveys had been authorized for the dual purpose of investigating timber, soil and mineral resources in the forested regions of northern Ontario and of locating water courses which could in future be developed as sources of water power and transportation. The object of this type of survey was to gather as much information as possible on the topography and natural resources of a large area and its success depended more on speed and the ability to range far afield gathering data over extensive tracts than the accuracy usually attributed to the surveying profession. This criterion was naturally appreciated by the surveyor apprentices who were assigned this task during the winter months and whose accuracy at times left much to be desired. Pearce found the prospect of undertaking exploration work in the northern forests attractive as it not only promised the adventure and romance which accompanies human endeavor in wilderness regions but it would provide him with a means to escape from university studies he found far from interesting.

When his companions returned to their studies in

the fall Pearce withdrew from the University in order to take out his apprenticeship papers with the Toronto engineering firm of Wadsworth and Unwin. He was to remain under articles for the next three years. For the privilege of studying the surveying profession he received no salary and was expected to pay his own room and board.

During the next three years Pearce often led exploration surveys into the northern forest regions. He found that the relatively less demanding exploratory work had encouraged a spirit of competition amongst the ambitious apprentices who eagerly grasped the opportunity to make a name for themselves on such assignments by vying in distances travelled and the volume of work accomplished. The rigours of the trail and the physical hardships endured in the snowy wilderness gave rise to many stories told for the sake of the teller's reputation.

Pearce never tired of recounting the exciting experiences of these carefree apprenticeship days when field work in unexplored country in every kind of weather was an exhilarating challenge. He often wrote of his feelings as one of the first men to survey the virgin northlands, of eating pemmican and hard tack under the starry skies of a cold Ontario winter, of the many nights when he and his men were forced to sleep under their sled dogs to keep from freezing in the biting cold. His field experiences strengthened his great love for the outdoors and

the appreciation of nature which had been instilled in him by his family led to a personal commitment to preserve its beauty untouched. His conservationist beliefs were based on the ability of man to use nature wisely without destroying natural resources through reckless and destructive exploitation. His ideas on the development of land and mineral resources were to govern his actions as a senior government administrator in the Northwest Territories and were to play a decisive role in the establishment of a National Parks System for Canada in 1885.

Pearce took naturally to the physical demands of the surveying profession. His powerful physique, developed in helping to clear the hardwood from the family farmstead, gave him the advantage of strength and endurance over others not so well endowed. Because of these attributes he often led the way in cutting line through the tangled underbrush of the forests where trees and brush lay at every angle and pitch. The most exasperating experience of this type of work Pearce ever encountered occurred years later in the winter of 1878-79 when he was in charge of a track survey about the southern end of Lake Winnipegosis. Much of the survey lay through the

reeds that lined the shoreline and covered the swampy areas to the south east. In summer the reeds attained a height of ten to twelve feet but in winter when they were bowed down with the weight of heavy snow and ice they stood only two to three feet high. In order to make trail across the reeds the lead man would have to bring his snowshoe as high above his head as he could and then bring it down smartly. The work was so physically exhausting that within a few minutes the trailmaker would be covered in his own sweat and be forced to turn the work over to the man behind. The trailmaker would then take the second position in line until cool enough to be uncomfortable when he would resume the lead. On this particular survey, using ten minute tricks at trail breaking, the party was able to progress only half a mile in over three hours of back-breaking work.

When Pearce had completed his apprenticeship in October 1872 he became a certified land surveyor for the Province of Ontario. The superior quality of his survey work had already earned him a reputation among members of his profession as one of the best prospects amongst the graduating apprentices. His aggressive desire to succeed and his resourcefulness in getting the job done in all weathers had been noted by professional surveyors who had marked him for future success, while his perseverance in overcoming physical obstacles under the most trying conditions

was well known. His prowess as a woodsman and his love of the outdoors had developed in him those instincts and essential skills of the surveyor that separate the adequate from the very best.

He signed on as a transitman with H. D. Lumsden, locating engineer for the Muskoka Junction Railway. In January 1873 when Lumsden left to become the locating engineer for the Credit Valley Railway, from Toronto to Woodstock, Ontario, he asked Pearce to come with him but Pearce declined in favour of a more attractive offer from the partners of his apprenticeship firm of Wadsworth and Unwin who were willing to pay him a monthly salary of \$100.00 and all his travelling expenses.

On reporting to his old firm he was made first assistant to Charles Unwin on the 1873 Thousand Island
31
Survey between Gananoque and Brockville. The contract for the work had been let by the Department of Indian Affairs and Unwin had chosen to direct the survey. He planned to run a traverse along the north shore of the St. Lawrence River from which his men could run laterals across the ice onto the islands to establish reference points in location to the shore. These points could be more readily identified

The survey commenced February 1, 1873 and the returns were completed that fall. Laurier Papers, (PAC), 157460-64.

by running the laterals across the ice than if the attempt were made in the spring across the open waters of the swiftly flowing St. Lawrence. Once the reference points had been located the surveyors could later return to each island for more detailed mapping. The accuracy of the final survey depended on establishing each island's position in the river and, for this reason the initial traverse was of great importance.

Unwin was pleased to have Pearce with him. He had complete confidence in his former pupil's ability and after seeing the survey started he had no qualms about leaving its direction to Pearce and returning to Toronto. Pearce was anxious to meet this challenge and to take command in order to demonstrate his ability in the field. His performance was so impressive, despite worsening weather conditions,³² that the firm offered him a full partnership which he seriously considered accepting. He had never been able to get along well with Wadsworth and he felt that should he accept their offer he would eventually quarrel with them over many of their decisions. As an employee he would gladly do their bidding but as a partner he felt he would be bound to speak his mind, which he knew

A sudden warm spell had made ice conditions in the river extremely hazardous and Pearce and his men often had to crawl long distances over the surface of the rotting ice on their bellies to better distribute their weight because they feared the ice would not hold a standing man.

would undoubtedly result in petty bickering and his enforced departure.

It was while he was conducting the Thousand Islands survey that Colonel Dennis approached him with an offer to join his staff for survey work in the Northwest Territories the following year. The opportunity to go West excited Pearce. The task of surveying an area stretching from the Red River Settlement to the Rocky Mountains and reaching from the International Boundary towards the Arctic Ocean caught his imagination. Pearce wanted to be part of this great undertaking.

He would have signed on with Dennis at once had it not been for the pleas of his sister Mary who was dying of tuberculosis.³³ Pearce was particularly close to Mary as they were about the same age and as her health failed she wanted him near her. His strong sense of family duty would not permit him to desert her at this time and he informed Dennis that under the circumstances he could not accept the offer but that when Mary's illness was resolved he would immediately contact him.

Mary passed away on March 21, 1874. Shortly after her death Pearce approached Dennis to see if the offer of

William Pearce, the surveyor (B. 1 February, 1848), had three brothers: John Seabury (B. 15 June, 1841), Thomas Leslie (B. 18 April, 1843), Joseph (B. 10 February, 1852); and two sisters Frances Mary (B. 5 June, 1846) and Jane (B. 12 May, 1856).

employment in the West was still open. Much had however changed in the year since Dennis had made his initial offer. Macdonald's Conservative government had been defeated and the Liberal Prime Minister, Alexander Mackenzie, had come to power only to be faced with a serious world business depression which threatened the financial stability of the government. In the next five years the fiscal policy of the Mackenzie Government was one of balanced budgets and retrenchment in government spending. Mackenzie was not able to commit the government's dwindling financial resources towards the development of the Northwest Territories to the same extent as the previous administration. Capital funds were allocated for development programs in relation to immediate need and then only if the federal budget could withstand the expenditure. As a result of the cut back in government spending Territorial surveys were curtailed.

34

Surveyors Employed by the Department of the Interior,
1871-1884.

<u>Macdonald's Administration</u>	<u>Mackenzie's Administration</u>	<u>Macdonald's Administration</u>
1871..... 7	1874.....24	1879.....32
1872.....41	1875.....23	1880.....52
1873.....32	1876.....14	1881.....75
	1877.....11	1882.....90
	1878.....11	1883.....118
		1884.....69

Interior Records, file No. 106923.

The Department of the Interior was forced to scrap plans for projected survey work on the short grass plains and the Surveys Branch was reduced from the 37 parties Dennis had in the field in 1873 to eleven in 1874. Only enough funds were provided to carry out work close to settled areas and to complete surveys already underway while in 1875 surveyors already in the field were ordered to turn their supplies over to the nearest Indian Agency and to return to Winnipeg.³⁵ The only new survey authorized during the Mackenzie administration was the Special Survey of 1874.³⁶ This survey was designed to provide a framework of meridians and baselines across the plains as far west as the Rocky Mountains and to locate a series of strategically placed bench marks³⁷ from which future extension of the township grid could be made. The Special Survey followed the government's proposed northern route for the Pacific railway along the North Saskatchewan River towards Edmonton and Jasper House. Concurrent with their location

35

WPP, 20.B.6. A memorandum, January 5, 1886.

36

Interior Report, 1874, Report of the Surveyor-General.

37

Zero elevation was taken as the datum established by a triangulation of a designated mark on the bastion of Fort Garry, a mark on the tower of St. John's Church, and an iron bar placed on the ground for that purpose. All elevations in the west were tied to this mark. WPP, file 20.B.6.

of bench marks, the surveyors were to make surveys of the detached settlements along the North Saskatchewan River. Mackenzie had authorized the Special Survey to prove his government's good intention to carrying out the railway clauses of the agreement which brought British Columbia into Confederation in 1871.

In view of the departmental cut back Dennis had little hope that Pearce would be hired. He promised to recommend Pearce's application but he was not optimistic about the results because many of the older men were being laid off during the period of budget restraint. Pearce was however able to secure the aid of an old family friend and school fellow, George E. Casey, the Liberal M.P. from West Elgin.³⁸ Casey was a personal friend of the Liberal Minister of the Interior, David Laird, and he was able to use his influence to have Pearce taken on. Throughout Pearce's career in the Civil Service Casey was to remain his staunch supporter, and as long as the Liberals were in power Pearce did not hesitate to use Casey's name to

38

A nine page biographical sketch of Pearce's employment record with the Federal Government for the family, Page 1 missing, WPP, file 10.14; Pearce to J. S. Dennis, March 10, 1877; Interior Records, 7626.

39

ensure the renewal of his annual surveyor's contract.

Pearce was given a standard one year contract to assist in the settlement surveys being carried out by the Department of the Interior in Manitoba. He arrived in Winnipeg in May 1874 where he was assigned to the work already in progress of defining the "outer two mile"
40
land claims. Pearce was employed on these surveys until their completion in 1878.

During the next three seasons Pearce was assigned various duties, extending township grids, locating meridians and base lines in Manitoba, and surveying the International Boundary in the Turtle Mountain
41
region. It was during the latter survey that he recommended the reservation of the limited water and timber

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Casey's influence proved embarrassing to Pearce on the return of the Conservative government to power in 1878. He was viewed by the Conservatives as being politically suspect and he was never to be given any office reserved for the patronage lists. Ironically with the return of the Liberals to power under Laurier in 1896 he was considered by them to be a Conservative and Frank Oliver, a leading western Liberal and Minister of the Interior in 1905, used every means at his disposal to have Pearce removed from the public service. Pearce to Fitzgerald, April 1, 1887, WPLB, Private, January, 1883.

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The best work on the "outer two mile" land claims is by H. Douglas Kemp, "Land Grants Under the Manitoba Act," Proceedings of the Manitoba Historical and Scientific Society, III, No. 9, pp. 33-52.

41

Interior Survey Files, 0242.

resources of the Turtle Mountain region for the benefit of the settlers as a whole. He urged that large tracts of land containing essential water and timber resources be withdrawn from exploitation by commercial enterprises and set aside for the use of the bona fide agriculturists. In the winter season of 1878-1879 he carried out an experimental track survey of 660 miles from the south end of Mossy Portage on the north end of Lake Winnipegosis to Red Deer Point on the southern end of Lake Manitoba. He had continually urged the Surveyor-General to authorize a winter survey season in addition to the annual summer contracts that the Surveys Branch let and which necessitated the surveyors returning to Ottawa each fall to make their reports and then remaining idle until the following spring. With winter contracts the men could be employed all year around. His superiors were however concerned about the accuracy of winter work and Pearce wanted to prove their fears groundless. On this particular track Pearce found his work to be within 1½% of the figures obtained the following summer from double chainage. He was not surprised at this as he had carried out surveys during a number of winters as an apprentice and he was certain that the results would be favorable.

Upon completion of the 1881 surveying season, after nearly eight years in the West, Pearce decided to leave the government's service. He now viewed the annual pilgrimage to Ottawa and the East as an imposition. Although the prospects for future annual employment were good owing to the increased government activity in the Northwest Territories resulting from the return to power of Macdonald's Conservative Government he felt he would probably be denied any permanent position within the Department of the Interior because of his earlier friendship with George Casey. The continual bidding for annual contract work was no longer acceptable to him for another and more important reason. That fall he wed Margaret Adolphina Meyer. Pearce took his marriage responsibilities seriously and he sought a permanent position to ensure the financial stability of his new venture. For these reasons he had decided to seek employment elsewhere.

Returning to the East in October he informed the Surveyor-General, Lindsay Russell, of his decision to leave the surveys. Russell asked him to call upon him when he was in Ottawa to discuss his future plans and when he arrived informed him that he and the Deputy Minister had both strongly recommended him for the position of Inspector of Dominion Lands Agencies under the newly formed Dominion Lands Board. The position carried a salary of \$3,200 a

year with travelling expenses although he would be forbidden by the terms of his commission to take part in any real estate transactions within the Territories without the express consent of the Minister of the Interior.⁴³ It was a position of the greatest trust and responsibility. Russell was confident though that he could resist the obvious temptations to make personal gain through blackmail or bribery that would undoubtedly be placed in his path wherever he went by men who wanted to obtain title to choice lands. He would become the target for personal attacks in the press from those who were disgruntled over the enforcement of the Dominion Lands Act but Russell and Dennis believed that Pearce could withstand such pressures as he had in the past demonstrated that he was a man of strong moral character who had the courage of his convictions.

Russell told Pearce that he had been chosen for the position because of his previous record of work and of the honest endeavour that he demonstrated in the settlement of the "outer two mile" claims where he had, under very trying circumstances, demonstrated time and time again that he would not be distracted from his duty

by political or personal pressures. In addition Pearce had demonstrated that he would go where he was told to go with prompt dispatch in spite of the weather and the Surveyor-General was tired of the excuses of his other surveyors for not undertaking a particular job when he wanted it done.⁴⁴

The challenge of such a proposal was exhilarating. The prospect of a return to the West and a share in the planning of its development was inviting. Without hesitation Pearce accepted the offer to become the first Inspector of Dominion Lands Agencies and to take his seat on the Dominion Lands Board.⁴⁵

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Pearce to Clifford Sifton, 31 January, 1897, WPP, file 22.126.

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A copy of Pearce's Commission dated February 4, 1882, WPP, Misc.

CHAPTER II

THE DOMINION LANDS BOARD

The power of the Dominion Lands Board in the West was immediate and real. In an agrarian society land is wealth and thus the allocation of the natural resources of the undeveloped Northwest Territories would directly affect the economic well being of every westerner. At least once in his lifetime the agricultural settler would be forced into dealings with the Lands establishment and the relative success of his encounter with Lands Branch personnel would determine his future economic status. The settler's immediate concern was to obtain title to his land, the source of his wealth and security. Until he had received his title he knew he was at the mercy of the government land agents, whom he viewed with suspicion as they constituted a threat to his future well being. Other more specialized government institutions in the Territories such as Indian Affairs, the North West Mounted Police and municipal administrations, though necessary, were to him secondary in nature. The importance of the government land agents was further enhanced by the limited amount of surveyed land in the West which meant that until surveys of the western plains were completed settlers

would be forced to squat on crown lands. As squatters their claims were illegal and subject to cancellation. Retention of their lands therefore depended totally on the attitude of the government agent towards their plight.

During the winter of 1881-1882 Walsh and Pearce became intimately involved in the detailed planning for the establishment of the Lands Board which was scheduled to commence operations as early as possible in the following spring in Winnipeg.¹ The realization that the actions of the squatters in taking up unsurveyed lands would only multiply the difficulties government agents would face in attempting to regulate the division of crown lands lent a compelling sense of urgency to their activities. They participated in several policy making conferences involving Prime Minister Macdonald and other senior officials of the Department of the Interior. The purpose of these meetings was to acquaint them with the government's past policies relating to the development of the Northwest Territories and to explore the implications of their responsibilities under the Order-in-Council of October 31, 1881, which brought their offices into being.

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The Board was scheduled to commence operations in February but owing to a delay in arranging for the transfer of furnishings and files from the East it did not open until the first week in March. The Board's offices were situated on the top floor of the Winnipeg lands registry office. Interior Report, 1887, Report of the Commissioner of Dominion Lands, pp. 1-3.

In these meetings Macdonald outlined his government's attitude towards the West which had been transferred to Canada from the Hudson's Bay Company on July 15, 1870. At the time of transfer the government on behalf of the people of Canada assumed trusteeship over the newly acquired Northwest Territories. Since then the federal cabinet ministers had jealously guarded the development of Territorial resources against what they considered to be improper exploitation. To this end they had insisted upon their right to supervise its development.

At the time of transfer the government decided that the short grass plains lying within the Northwest Territories south of the North Saskatchewan River should be reserved for agricultural pursuits. Both the topography of the Canadian Plains and an awareness of the American experience influenced this decision. To induce settlement the government agreed to give a free gift of 160 acres to each bona fide settler as a homestead. In order to ensure that only the bona fide settler received the gift of land from the Public Domain specific requirements of residence on the land and improvements to it prior to granting clear title were instituted. Townsmen, professional men and government employees were to receive their own rewards for coming west either from commercial

enterprise or as salaried employees. They were not to be granted a free homestead which was designed as a means to create a farming class on the plains. If they wanted lands they could purchase them on the open market or at government auctions. The homestead land was intended solely as a gift to the farmer as an inducement to promote settlement; it was not designed for any other purpose.

Initially the cabinet had insisted upon reviewing each individual application for a land patent. When a settler had met the requirements under the current Dominion Lands Act he could file an application with the Lands Registry Office in Winnipeg for title to his lands. His application would then be forwarded to the Department of the Interior in Ottawa for initial screening to make certain that no other claim to the title had been received and to ensure that in fact the settler had met the requirements. The application would then be sent to the Justice Department where the law officers of the crown would rule on its legality and draft a recommendation for patent. Then the file would be forwarded to the cabinet for its approval. If the cabinet ruled favourably on the application, an order directing the issuance of a patent would be forthcoming.² The cabinet felt justified in

taking extreme care in reviewing each individual application to make absolutely certain that they were not alienating land from the Public Domain in favour of land speculators.

To add to the lengthy delays in obtaining patent caused by such a trying bureaucratic procedure files were often mislaid or lost in interdepartmental transfers while at times files were split due to the vagaries of bureaucratic correspondence. In addition certain members of the Inside Service were overzealous in protecting the government from unwarranted alienation of crown lands. Excessive caution on the part of the government service in the issuance of land patents proved vexatious to the settler on the frontier who was surrounded by hundreds of square miles of vacant land and could not understand the hesitation on the part of the government in deeding him his 160 acres. The government's cautious approach generated a great deal of unnecessary ill will. The result was that, with some justification, the settler viewed government agents indiscriminately as the cause of his misfortunes and frustrations.

In 1876 the patent ritual was modified under the pressure of an increasing number of land applications and the inability of the cabinet to attend to each claim. The actual increase in applications was slight but it was sufficient to make an individual review of each case

physically impossible. After December 15, 1876 the Justice Department was authorized to return the applications directly to the Department of the Interior with its recommendations. The Department of the Interior had also attempted to improve the efficiency with which it handled land applications by setting up a separate land patent office under the direction of a full time clerk, a Mr. Lang. It was thought that these modifications would considerably improve the rate at which patents could be issued. The procedure was however still lengthy and the insistence on interdepartmental approval for patents coupled with the increasing activity on the frontier negated the intended effects of the reforms. Despite these modifications correspondence dealing with land matters fell steadily behind.³

It was in part due to the knowledge of the certain failure of the Inside Service to meet the future demands of the land rush⁴ that Macdonald decided to relieve them of correspondence dealing with land claims and to place such matters under the Dominion Lands Board. The members of the

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In 1881 at the beginning of the land rush the Inside Service processed over 30,000 letters concerning land matters pertaining to 5,819 land claims. Interior Report, 1881, Report of the Minister of the Interior, v-xi.

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In 1882 correspondence pertaining to land matters rose to 55,000 letters relating to 16,740 claims. Interior Report, 1882, Report of the Deputy Minister of the Interior, vi-viii.

Board could investigate applications for entry on the site of the claim. They would carry out the initial screening of patent claims and then compile lists of applications to be forwarded to the Inside Service for processing. Under this procedure the Inside Service would no longer concern itself with determining the validity of the claim or the danger of overlapping patent claims as these particular facets of the patent procedure would be investigated by Lands Board agents. The review by the Inside Service and final patenting authorization would become routine. More important that this would be the personal contact with the settlers made by the government agents which would assure them that action on their claims was being taken and that their claims were not in jeopardy.

The main object of the government's western policy was to promote rapid, efficient and peaceful settlement. The purpose of the Lands Board was to assist in the settlement of the region and to relieve the bona fide settler from previous bureaucratic obstacles. Macdonald told Walsh and Pearce that he had chosen them over members of the Justice Department and senior personnel of the Inside Service because he feared the latter would adhere too closely to the clauses of the Lands Act and other regulations pertaining to land settlement. Pearce and

Walsh as laymen would be more prone to take into consideration equity and such extenuating circumstances as the settler's intent when adjudicating land claims. He wanted them to be lenient with the settler because the purpose of his administration was to settle the West and not to let technicalities denude the Territories.⁶ He believed it was far better to keep the settler on the land even if he had not met the letter of the law than to discourage settlement by undue government harassment. They were to treat land regulations as mere guidelines until such time as the Department of the Interior could accumulate enough information to properly amend the Land Act. It was important to the success of the government's western policy that they act in the spirit of the legislation and in such a manner that the maximum benefit would accrue to the best interests of the settler and to the nation as a whole.

Macdonald further informed them that he had purposely left their instructions vague and undefined so that they would be free to devise their own routines and regulations for the efficient control of the land rush. They would have complete control of the Lands Agencies in the West and they were to devise methods by

which a uniform procedure could be created for routine business between the Outside Service and the public.

Macdonald had hoped that Pearce and Walsh would have the Lands Board in operation as early as possible in the spring of 1882 as in the latter part of 1881 a rapid increase in immigration into the Northwest indicated that the long awaited rush had begun. In Manitoba and the Northwest Territories land values skyrocketed as the main line of the Canadian Pacific Railway raced across the plains. Delays in establishing the Lands Board would only lead to an increase in disputes among the settlers over land claims making it even more difficult for the members of the Board to regulate the boom.⁷

When the Board opened its offices in the first week of March 1882 it was immediately flooded with enquiries as to the status of homestead lands. The volume of demands for information concerning settlement was so great that Pearce and Walsh as well as the entire Winnipeg registry staff were forced to work long into the night to try to keep abreast of this inconsequential business. This left them no time to organize their

work or to formulate development policies.⁸ Only by leaving the registry office staff to become submerged in a flood of routine enquiries could Pearce and Walsh⁹ get about their appointed duties. Thus it was not until the last week in March that Pearce was able to leave Winnipeg on his first inspection tour of the¹⁰ eight Lands Registry Offices under his charge.

⁸
Interior Report, 1882, Report of the Commissioner for Dominion Lands, pp. 1-3.

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 The complement of the Dominion Lands Board was increased in May 1882 with the appointment of Rufus Stephenson as the Inspector of Colonization Agencies and by the addition in December 1882 of a permanent secretary, Mr. T. R. Burpee. By 1886 Burpee had recruited a staff of thirteen secretaries to handle the Board's business. Interior Records, 1069233.

¹⁰
 Lands Registry Offices were established at Winnipeg, 1871; Emerson and Westbourne, 1874; Alberton, 1876; Manitou (Dufferin District), Minnedosa (Little Saskatchewan District), Prince Albert (operational in 1882), in 1878; Birtle, Brandon (Souris District), Deloraine (Turtle Mountain District), Gladstone in 1880; Regina (Qu'Appelle District), 1882; Coteau, Touchwood, Swift Current, Calgary, Edmonton in 1884. Alberton was closed in 1877. Emerson and Westbourne were closed in 1880. Gladstone was closed in 1884. Interior Records, 106923.

11

Pearce's report of his initial inspection of the regional registry offices provided an almost blanket condemnation of Outside Service operations. The major exception to his report was the work of the Winnipeg office, which had been efficiently operated after a hesitant beginning in 1871. He reported that there was a desperate shortage of trained men for registry office work, and that

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Pearce's itinerary in 1882 was: in March to Dufferin, in April to Turtle Mountain, in May to Souris, in June to Birtle, in July to Gladstone and Turtle Mountain, in August to Nelson and the Regina Reserve and in October to Gladstone and Moose Jaw Bone Creek. Interior Report, 1882, Report of the Inspector of Lands Agencies, pp. 4-6.

In November, Pearce visited Qu'Appelle, in December he was called to Ottawa with Walsh, in January, 1883, to Turtle Mountain and Souris, in February to Birtle, in May to Qu'Appelle, Regina, Moose Jaw and Medicine Hat, in June to Indian Head and the Bell Farm, in July to Dufferin and Nelsonville and to the Fertile Belt along the North Saskatchewan River, in September he visited Calgary and Medicine Hat, returning to Winnipeg the latter part of October. Interior Report, 1883, Report of the Inspector of Lands Agencies p. 3.

12

A memorandum from Lindsay Russell to A. M. Burgess, December 13, 1882, Interior Records, 73235; Pearce to A. Walsh, August 24, 1882, Interior Records, 49677.

13

Extract, A memorandum from Pearce to Thomas White, November 14, 1885 consisting of a series of extracts from official reports made by the members of the Lands Board to previous Ministers of the Interior. Interior Records, 149063.

in almost every case he found the Lands Agencies operated by insufficient and mediocre staffs. Most local agents were ignorant of Department of the Interior regulations and the terms of the Dominion Lands Act. Either they had mislaid the regulations without reading them or had never received the information at all. There was little evidence of any conscientious attempt to keep land registers up-to-date to indicate the status of lands in particular districts and to show which areas had been reserved from settlement and which had been claimed. Thus it was impossible for prospective settlers to ascertain what lands were available. This was not altogether the agents' fault as in many cases township maps had not been forwarded to the local offices and without the tools of their trade their performance could not be adequate.

Even so few of the agents appeared to have made serious attempts to keep letter indexes or copy books of correspondence sent or received. Many land claim files had been split, parts having been sent to Ottawa, while others remained uncatalogued in the registry office. He found it impossible to audit cash receipts as cash-books had not been kept up-to-date and in some instances records of monies received had not been noted. Fees from crown timber leases and land sales were mixed in with registry fees and the general income of the Agencies while unrecorded

portions of these sums were reported to have been forwarded to Winnipeg or Ottawa. No record of the amounts sent or their final destination was readily available. The situation had become so bad that settlers in the West were openly accusing land registry staff of fraudulent practices and had reached the conclusion that land claims could only be successfully prosecuted through bribery of lands officials. From his inspections Pearce knew that this was not altogether true as he believed it would have been more accurate to talk of incompetence.¹⁴

After his initial inspection of the regional offices Pearce realized that there were a great many delicate matters which would have to be quickly corrected before the Outside Service was up to standard. Until the local land agents became familiar with the regulations governing the settlement of lands and were provided with the necessary equipment and training for their work it would be impossible for them to operate with any degree of efficiency. There was little Pearce could do to provide the agents with the required township maps as their completion depended on the state of the surveys and the efficiency of the draftsmen of the Inside Service but he acted promptly to obtain sufficient copies of the Dominion Lands Act and land regulations and forwarded them personally to each agency. In future no

agent would be able to plead ignorance of regulations for not carrying out government policy. Pearce also acted to improve the calibre of the Outside Service by instructing each agent in proper bookkeeping procedures¹⁵ and by insisting upon a more business-like attitude towards local land agency affairs. Having instructed them in the proper procedures he set about to ensure that in future the local agents followed his directions. This he did by frequent and thorough inspections of each lands agency office.

In specific instances Pearce removed certain agents from their office for improper activities. The agent at Dufferin had made no effort to check the land claims he forwarded to Ottawa for entry and patent on the grounds that he felt it was not his business to ascertain their accuracy and that he felt compelled to accept statements of claim at their face value. This practice had encouraged settlers in his district to make outrageous statements of claim which he accepted and dutifully forwarded for patenting with the result that land frauds were rampant in his district. Pearce was certain that criminal proceedings should have been instituted against at least four of the settlers in conjunction with false affidavits made to the agent. Many settlers had expressed to him their suspicions of

The nature of the bookkeeping systems was uncomplicated and with very little explanation most agents were quickly able to grasp the rudimentary principles upon which it operated.

collusion between the agent and certain townsmen in making illegal claims. He was uncertain as to whether the agent himself had been party to these frauds but without the power to subpoena witnesses and with the settlers unwilling to testify in court against their neighbours¹⁶ he was unable to gather concrete evidence on the agent's dealings. Despite the absence of sworn testimony Pearce did not hesitate to remove the agent and replace him with his assistant, whom he did not expect to be any better.¹⁷

In January, 1883, Pearce was alerted by the settlers to allegedly fraudulent practices of the Turtle Mountain Lands Agent in Deloraine.¹⁸ The investigation of the Agency he ordered uncovered a most corrupt administration. Pearce had met the agent in Gladstone in 1880 where he was told by him that he expected to "make millions" from his appointment. That same summer Pearce carried out surveys of Turtle Mountain and his crew had camped within two miles of the Lands Agency at Deloraine.

16

Pearce obtained subpoena powers under the Dominion Lands Act, 1883, 46 VIC. Cap. 17. s. 83.

17

Extract, April 8, 1882.

18

A copy of the Department of the Interior's file on the Turtle Mountain investigation and a covering memorandum to A. M. Burgess, Deputy Minister of the Interior, dated April 20, 1894. This file arose out of the agent's claims for compensation over his dismissal in hopes that government files would not be available for the period of investigation. WPP, file 22.99.

That summer no one there had heard of the agent. Still claims for office work and the rental charges for an office in his as yet unbuilt house were forwarded to the Lands Board for this period. In October, when the agent finally arrived in Deloraine, he promptly demanded one of the choicest town lots for the purchase price of \$1. Then instead of looking after land matters, for which he was receiving a government salary, he established his own lucrative farming business and spent his free time in organizing agricultural displays and exhibitions. There also appeared to be evidence that when he did attend to land business he was open to bribery. Pearce removed the agent from government service.

His prompt actions in firing the Dufferin and Deloraine land agents helped to convince the settlers that he was a man they could trust. The initial reluctance of the settlers to bring charges against members of the Outside Service is understandable. They feared that Pearce might be of the same inclination as some of the local land agents and any complaint as to land agency business on their part could lead to cancellation of their claims. Accordingly the settlers prior to seeking the removal of these men from government service waited for evidence of Pearce's character before committing themselves to an irretrievable course of action. In future an increasing number of settlers came to talk freely with Pearce about their frontier experience and

about their needs and desires.

Although Pearce was able to take action against the more flagrant violations of lands regulations by some of his land agents, he felt that he could have done more had he the power to subpoena evidence from settlers who were unwilling to testify under oath against land officials. Had he had this power he believed that there would have been a "revelation of land matters in southern Manitoba...that would have caused many who were considered worthy citizens either to flee the country or become inmates of prisons".¹⁹ He was given subpoena power in 1883,²⁰ but by then the guilty parties had hastily covered their tracks and little evidence remained to permit successful prosecutions to be made.

Pearce's practice of frequent random inspections of the local registry offices helped to eliminate the worst aspects of Lands Agency irregularities, and not only improved the morale of the Outside Service but also enhanced its image in the eyes of the general public. The removal of agents from office because of frauds or maladministration had shown that the members of the Dominion Lands Board not only took their responsibilities seriously but had the power to enforce their decisions.

19

Extract, April 8, 1882.

20

46 VIC. Cap. 17. s. 83.

Concurrent with his efforts to reform the Outside Service Pearce acted to achieve his second objective which was the elimination of land speculation in the Territories. The evils of land speculation were twofold. In the first place it held choice lands vacant and thus unnecessarily scattered settlement to the detriment of frontier society and in the second it provided unearned profit from public lands to individuals whose actions were a detriment to the development of the frontier. Pearce was determined to foil the speculators and stop their activity.

The most blatant attempts at land speculation were uncovered by Pearce within the hierarchy of the civil administration of the Northwest Territories and amongst²¹ the officers and men of the North West Mounted Police. Shortly after his appointment to the Lands Board he was approached by Edgar Dewdney, Lieutenant-Governor and Indian Commissioner of the Northwest Territories and also head of a syndicate of thirteen government officials engaged in ill disguised land speculation within the Territories. Dewdney wanted Pearce to join them in gaining control of home-²²stead land along the main line of the Canadian Pacific Railway.

21

A memorandum listing the land holdings of members of the syndicate, police officials and other government agents, WPLB Private 1883, p. 380.

22

Idem.

These men had at the time of the offer managed to have their agents enter on their behalf over 26 choice sections of land where they knew townsites for the railway would be established.²³ At minimal cost they hired men to make homestead entry onto the lands where they erected a small tent or shanty in order to validate their claim. When bona fide settlers arrived they would offer to sell these claims at advanced prices ranging from \$100-\$1,000.²⁴ At every station and townsite reserve Pearce found the syndicate agents peddling their claims to unsuspecting immigrants.

In a particular instance the local land agent at Brandon had been told by a member of the syndicate not to accept homestead entry for a particular parcel of land until the claimant had paid them the \$200 they claimed was owing to them.²⁵ Nor did the influence of the syndicate stop with him as the mayor of Winnipeg, Alexander Logan, and the Winnipeg land agent Witcher both informed

23

In a discussion of land speculation involving the Dewdney syndicate in Regina Earl Drake estimates the syndicate stood to make \$1,000,000 on an investment of under \$3,360. Earl G. Drake, Regina: The Queen City (McClelland and Stewart, 1955), pp. 10-13.

24.

Extract, October 31, 1882.

25

Pearce to Acquila Walsh June 2, 1883, WPLB 1883, pp. 380-394.

Pearce they had heard that Mr. Lang, the patent clerk in
 Ottawa, "was bought".²⁶ They claimed that in the confusion
 of settling the Manitoba Act claims there were a great many
 parcels of land where the evidence of ownership was
 extremely feeble and provided the opportunity for illicit
 practices. It was openly stated that Lang would arrange²⁷
 for the patent to these claims for a certain interest.

Despite the overwhelming evidence against the
 members of the syndicate Pearce was unable to gather sworn
 testimony against them. Without concrete evidence Pearce
 was powerless to move directly against Dewdney's
 organization. He did however report his findings to the
 Prime Minister who ordered further investigation of
 Pearce's allegations which resulted in an official
 reprimand for Dewdney and an official censure for the
 Brandon agent for his part in the syndicate operations.
 Although nothing in his commission expressly forbade the
 Lieutenant-Governor to engage in real estate dealings the
 Prime Minister ordered Dewdney to divest himself of his
 land holdings in the Territories. Before Dewdney could
 comply with this order the land rush collapsed and he had

²⁶
^{p. 150.} Idem., For more on the Lang Affair see below

²⁷
Idem.

no choice but to relinquish his speculative endeavors. ²⁸

In addition to the Dewdney syndicate operations, a great many other capitalists and professional men as well as government employees had taken up speculative holdings during the period of the land rush. These men or their agents also erected an inexpensive tent or a shanty on grounds they claimed to prove they intended to settle. Some would periodically go out and spend the night on their lands to consolidate their claim. In some cases they would even attempt to break a few yards of land to keep their claim valid. The result was that a great volume of land remained vacant and undeveloped while settlement was dispersed away from the choice lands near townsites ²⁹ and along the route of the Canadian Pacific Railway.

The speculators preyed on immigrants who had little chance to learn from the local settlers which lands were illegally claimed and could be re-opened to settlement through cancellation of the original entry on the grounds of non-compliance with homestead regulations. Many of the actual settlers themselves had illegally taken up lands adjacent to their homesteads for friends or relatives who had not yet arrived from the East. Attempts to

²⁸
Drake, Regina, pp. 10-13.

²⁹
Extract, March 17, 1883.

dispossess those with even the most tenuous homestead claims would usually result in bodily harm at the hands of the local vigilante committee.³⁰ The general feeling amongst westerners, speculators and settlers alike, was that strangers who applied to cancel land claims were little better than informers and they were treated as such by the frontier society.

A further difficulty was placed in the path of newcomers who wished to recover speculative claims for their own use by the requirement of a thirty day waiting period during which attempts were made to notify the original entrant of the impending cancellation.³¹ Here the land regulations worked in favor of the speculator during the rush because if the process of cancellation was not successful it would then be too late in the season for the immigrant to secure a new claim. Such a delay could prove fatal to his enterprise as in the meantime hundreds of others would procede him onto the plains. In view of the apparently limitless land resources in the Territories the immigrants usually preferred to by-pass the speculators and move farther onto the plains to take up what they were certain

30

Extract, June 27, 1883.

31

Six months absence or evidenced abandonment or non-compliance with the homestead regulations could lead to cancellation. 42 VIC. Cap. 31.

was unclaimed land.

32

Even so the Lands Board processed 335 applications for cancellation of abandoned or speculative holdings in 1882 of which 272 were successful. In many of these cases the claims had been abandoned and the Board was able to take appropriate action. However 40% of the cases were defended by the original claimants who contested the Board's right to take away their homestead lands. Most often the defendants claimed to have returned to the East to set their affairs in order or to bring out their families thus leaving their homesteads in what appeared to be an abandoned condition. Pearce believed that many of the defendants were in fact speculators. Had they been bona fide settlers he felt they would have complied with the land regulations and taken out a leave of absence from the Lands Board to safeguard their claims in their absence. In this view he was not altogether correct as the effect of the Board's intent to cancel such claims resulted in over 1,000 applications for leave of absence from other settlers who intended to return East for these same reasons during the following winter. These settlers were anxious

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32

Interior Report, 1882, Report of A. Walsh, Commissioner of Dominion Lands, pp. 1-3.

33

Pearce to H. H. Smith, June 6, 1886, WPLB, 507.

to inform the Board of their impending absence so as to
 not to leave their claims liable for forfeiture.³⁴

Fortunately for the defendants the Manitoba courts took
 a more sympathetic view towards their pleas and consistently
 confirmed the defendants in their lands on the slightest
 pretext.³⁵

Pearce laid the blame for the limited success
 of the Board in gaining cancellation of entry before the
 courts on two causes. He felt there had been a great deal
 of collusion on the part of the juries and the magistrates³⁶
 to circumvent the land regulations. He believed this was
 because many of the jurymen were in the same quandary as
 the defendants and thus would not bring in a conviction.
 His experiences before the Manitoba courts indicated that no
 "jury was willing to convict itself".³⁷ The other cause
 was the difficulty in differentiating the speculators from
 the settlers as everyone who took out a homestead claim
 swore that they were bona fide settlers. Under these
 circumstances it was impossible for the Board to arrest

34
Extract, April 3, 1883.

35
 Pearce to H. H. Smith, June 6, 1886, WPLB, 507.

36
Idem.

37
Idem.

speculation.

As a temporary measure aimed at halting speculation Pearce suggested that the choice lands lying one mile on either side of the main line of the Canadian Pacific Railway and crown lands within townsites be withdrawn from homestead settlement and that these should only be open to purchase either at government auction or a predetermined price. This would defeat the speculators who could not afford to pay the full price for their choice lands. Pearce's superiors accepted his advice. By Order-in-Council of July 5, 1883 the "milebelt" and "townsite" reserves were proclaimed. These reserves were at the time thought to have been responsible for driving the speculators away. No doubt they played a part in the demise of land speculation in the Northwest but the major factor operating against the interests of the speculators was the vast expanse of untouched lands beckoning the settlers ever forward. Settlers could easily by-pass the speculators and the majority of them did.

The greatest disadvantage of the reserves was that they had an adverse effect on settlement in that their effect was identical to that of the speculators in denying choice lots to the bona fide settler. After July 5, 1883, all settlers were forced to homestead at least one mile distant from the railine. When these reserves

38

were opened in January 1884 those who in the interval had passed them by to take up other lands were now unwilling to move their holdings closer to the railway though this would have been to their advantage.

As a permanent solution not only to the problem of land speculation but also to that of identifying abandoned claims Pearce promoted the formation of a Homestead Inspection Service with the power to cancel automatically any land claim where homestead regulations had not been met.³⁹ Homestead Inspectors would inspect each homestead annually for the purpose of making an inventory of their development. They could then submit lists of claims for cancellation to the Board on the grounds of abandonment of claim. Under such a system all lands would be subject to the same annual review. A Homestead Inspector could carry out an impartial investigation into every claim to ascertain whether or not affidavits filed by the claimant were true. Cancellation, where required, would become automatic, impartial, and no longer a personal matter between future neighbours. As a result of

38

Pearce to H. H. Smith, January 6, 1884; Pearce to the Minister of the Interior, December 1, 1883. To no avail Pearce protested the opening of the reserves in January when many of the settlers would be in the East unable to take advantage of the situation. WPLB 1883.

39

Extract, June 27, 1882; July 17, 1882; February 23, 1883.

Pearce's proposals the Minister of the Interior authorized the establishment of a Homestead Inspection Service. In the fall of 1883 four men were appointed Homestead Inspectors and assigned to work under the direction of the Lands Board. Their work resulted in a large number of illegal⁴⁰ and abandoned land claims being opened to settlement.

The adoption of Pearce's recommendations placed government employees, townsmen, and land speculators in a position in which they were unable to make good their illicit homestead claims. Denied what they desired by the Board's actions, they made public their highly disparaging views of the agents of the Lands Board, raising the cry of the struggling pioneer in an effort to enlist sympathy for their cause. Those most adverse to the Pearce proposals to control speculation were the members of the North West Mounted Police, who claimed the right to homestead land despite the fact they were not and did not intend to become⁴¹ farmers. They were especially vocal in their demands for free land even though, unlike the settlers, they had come out

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In 1884 the Homestead Inspectors recommended the cancellation of 3,749 land claims. Of this number the Board saw fit to cancel 3,688 entries. Interior Report, 1884, Report of the Deputy Minister, x-xi.

41

A list of police officers and men involved in speculative activity, WPLB, Private 1883, pp. 380-394.

to the West at government expense and had worked the land while on government duty. They aggressively challenged the right of the Homestead Inspectors to cancel their claims arbitrarily. In their fight they were eagerly joined by townsmen who also found their claim to homestead in jeopardy. Certain of the loss of their speculative holdings they were only too willing to have the western press take up their protest against Pearce's policies. Their demand was for homestead grants to everyone on the frontier regardless of vocation. Frank Oliver, editor of the Edmonton Bulletin and a leading western Liberal, went so far as to claim that the government should reward his and everyone else's presence in the West with the free grant of one square mile of land and very few Edmontonians of the day felt his claim extravagant.

The routine cancellation of abandoned and speculative land claims by the Homestead Inspection Service was a serious cause for concern amongst capitalists who had invested in real estate transactions in the Territories. Loan and investment companies became alarmed at the growing number of cancellations and they acted to secure their investment in western lands. They approached the Prime Minister and members of the House of Commons hoping to have Parliament modify the stand taken by Pearce and the

Lands Board. They suggested that the Board did not have the power to cancel claims once the local land agents had approved them even though they might have been obtained under false pretenses.⁴³ They pleaded they were the innocent victims of such frauds and should not be penalized by having their customer's lands forfeited. They threatened to withdraw their operations from the Territories if the Homestead Inspectors continued their actions. They blamed what they termed their precarious position on Pearce as the man responsible for the inception of the Homestead Inspection Service.⁴⁴

Pearce, who was already under heavy criticism from disgruntled townsmen over his policy towards land speculation, was well aware of their feelings towards him. He told Burgess, the Deputy Minister of the Interior, that he realized his policies were not acceptable to speculators and that because of them he was not a popular fellow in certain segments of the frontier society but that the bona fide settlers found in him and the other members of the Outside Service the warmest of friends. As for the speculators they deserved to be "put down" hard. This was the government's policy and he intended to continue

43

Extract, September 12, 1882.

44

Extract, April 3, 1883.

45

to implement it.

In regard to the complaints of the investment companies he told Burgess that from his vantage point he doubted that these companies were far from the innocent victims they made themselves out to be. They had indiscriminately loaned money to speculator and settler alike. Had their agents been more discerning they would have discovered that many of the land claims they took as security for loans were in fact invalid. Their own agents and not the Homestead Inspectors were the ones that were guilty of negligence.

Neither Walsh nor Pearce believed that the companies would withdraw from operations in the Territories. Their losses from cancellation of speculative holdings affected only a small portion of their total business and with the increasing number of immigrants their prospect for gain through loans to bona fide settlers was too great to give up.

The matter was brought up for debate in the House of Commons by the Prime Minister on April 27, 1883.⁴⁶ Macdonald informed the House that he wished to discourage

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Pearce to A. M. Burgess, December 15, 1883, WPLB 1883.

46

Official Records of the Debates of the House of Commons, 1883, pp. 867-890.

any future appeals against the decisions of the Lands Board in that as far as he was concerned the Board had final authority in all land matters. In the case of homestead cancellation as a result of non-compliance with the residence or improvement regulations the Board was to be complimented for aggressively carrying out government policy. The House concurred in Macdonald's views and emphasized the concept held by most of the Members of Parliament that the western homestead lands were held in trust for the farmer and were not to be used for speculative purposes.⁴⁷ Macdonald informed Pearce and Walsh of Parliament's support for their policies. In a more personal vein he wrote Pearce that he "fully appreciated the strong interest you have taken in protecting the public and the revenue from land sharks and speculators."⁴⁸

Rebuffed by officialdom in their attempts to gain homestead lands, those denied them by reason of their vocation turned to the western press for sympathy in a last effort to force a change in the government's land policy by what they termed popular public demand. Their attack

47

Ibid., p. 937.

48

Moorehouse E. G. The Moorehouses of Bear Creek, Bathurst and Brockville. Moorehouse cites this letter from Macdonald to Pearce, n.d., p. 177.

was aimed at discrediting Pearce and the Homestead Inspection Service. Their view, widely supported by western townsmen, was that every person who gave up the luxuries of the East to come West should be entitled to a homestead grant as a reward for his sacrifice. The matter came to a head early

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in 1884. On March 20 the St. Paul Pioneer Press printed an article claiming that the Dominion Lands Agent at Brandon had arrived in Ottawa to lay the grievances of the westerners over land matters before Parliament. He was reported to have said that in his opinion all the land troubles in the Northwest Territories were due to Pearce, and that through a mistaken sense of responsibility Pearce had mismanaged the business of his office in such a way as to incite the townsmen to riot. Pearce's actions had resulted in thousands of unwarranted cancellations of claims which drove the needy immigrants out of the country.

Pearce asked leave to reply to the charges. He told Burgess that he felt that when government agents made ulterior representations reflecting upon their superiors the public was likely to give credence to them. This would be particularly true of himself as his cancellation policies had made him and the Homestead Inspectors the subject of a great deal of abuse. He did not deserve the odium he was

49

A. M. Burgess to Pearce, March 21, 1884; clipping from the Pioneer Press, p. 235; Pearce to D. L. Macpherson, Minister of the Interior, April 22, 1884, WPLB 1883.

receiving for his refusal to shut his eyes, in order to court popularity, to the abuses of the land regulations,⁵⁰ some of which had taken place in the Brandon office.

Department policy however would not permit him to enter into public debate on any issue through the medium of the press. Editors who permitted libellous statements to come before the public were not likely to report accurately any reply Pearce would give. It was thought better to remain silent and prepare one's defence for any official enquiry that might arise. This policy towards the press was generally followed by the other government departments. At the time it was considered clever strategy, but the failure of the government to attempt to appease the western press was seen by the editors and their readers as official indifference to their plight. Subsequent editorials on this and other matters mirrored the growing feeling of frustration with seeming official neglect.

Three months later Pearce was again singled out for attention by the press. Shortly after his appointment as Superintendent of Mines on July 1, 1884, and in the midst of his investigation into long standing land⁵¹ claims in Edmonton and Battleford, he was informed by

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Idem.

51

See below pp. 109-110.

52

Burgess of a personal attack on him made in the Brandon Sun of July 22, 1884. The Sun had printed a letter taken from the Regina press of the previous day. The letter was signed "sympathy" and was entitled "Poor Fellow, What Will He do?". In it the writer implied Pearce was guilty of misconduct, abuse of his position and personal corruption. The writer claimed that Pearce's friends admired his ability to interpret the land laws in their interest.

This time Pearce was given permission to sue the editor of the Sun, a Mr. White, for libel. He secured the services of S. Blanchard of Winnipeg to represent him while the editor retained Clifford Sifton in his defence. Blanchard demanded a full apology from White for falsely

52

Correspondence between Pearce and Burgess, WPLB 1883, pp. 2-34.

53

A letter from Pearce to Walsh instructing him to start libel proceedings against the editor. The delay in taking action was due to Pearce not receiving notice of the article until his return to Edmonton on August 8th. Pearce to Walsh, August 14, 1884, WPLB PA Claims.

54

Idem. Pearce was certain the letter was written by the lands agent he dismissed at Turtle Mountain in 1883.

55

Pearce to S. Blanchard, August 14, 1884, WPLB PA Claims.

56

WPLB PA Claims, pp. 431-463.

and maliciously publishing material damaging to Pearce. Sifton, representing White, replied that the statements made in the paper were fair as being true comments and therefore the editor was not liable for libel.

The defence proposed to show that Pearce was harsh and cruel in cancelling the homestead of Susan Wills for profit and reward on June 4, 1882; that he had on March 16, 1882, made lists of lands open for sale in Winnipeg that omitted 200 acres from the Parish of St. Boniface so that later a Mr. R. H. Hunter could purchase them at a lower price; and that he had reinstated a Mr. B. Wood, a clerk, in the government service lest he denounce Pearce for improper conduct.

Pearce's defence rested on the affidavits and correspondence within the department's files pertaining to the charges. He admitted that since the inception of the Lands Board in 1882 there had been so many cancellations that in processing such a large number of cases there were bound to be some errors. These the Lands Board were willing to remedy. In the case of Susan Wills he had followed the proscribed procedures in cancelling her abandoned farm at the request of the Canadian Pacific Railway. There was no evidence of cultivation and there had been no buildings constructed on the land upon which to affix the notice of cancellation. For all purposes it was evident the land had been abandoned. He was unaware of Mrs. Wills' whereabouts

and when unable to contact her had approved routine cancellation procedures. He denied having received any reward from either the Minister of the Interior or the railway for his actions. Her case was only one of hundreds which arose during the land rush of 1881-1883. If she felt injured by his actions she could appeal her case and seek reinstatement of her claim on review.

In the matter of the lists of lands for sale in Winnipeg he showed the court that these were the responsibility of the Winnipeg Lands Agency rather than the Dominion Lands Board and he had nothing to do with their content. As the lands on the list in question were west of the Red River lands in St. Boniface would not be in it. As for Hunter's purchase price this was strictly a matter for the Winnipeg agency and he had no knowledge of the circumstances of the sale.

On the third charge he denied he was an accessory to the reinstatement of Woods in that he was never aware Woods had been suspended. Again this was a decision of the Winnipeg Agency and not the responsibility of the Lands Board.

Blanchard doubted if White had any assets that could be claimed in judgment and he counselled Pearce about the dangers of a press assassination by the irresponsible editor should the trial drag on. The costs of a lengthy trial were also to be taken into consideration if the

matter were to be pursued. White appeared indifferent to the whole matter even after Sifton, who by this time had carried out his own investigation of the case, refused to back any of the editor's court costs. As a result an arrangement was reached whereby on October 29, 1885 the Sun published a small apology stating that from further evidence the paper realized the charges made against Pearce came from unreliable information and that the original article had been inadvertently asserted. In return Pearce dropped his libel charges.

Although the Department had stood firmly behind Pearce during this attempt at press execution Macdonald was concerned over what he considered to be the undue amount of unfavorable publicity Pearce's actions were attracting. His main concern was to maintain public support of the government in the West and he urged Pearce to be more circumspect in his dealings with townsmen and newspaper editors in the future. The object of the government was to put down the speculators firmly but kindly. This Pearce could accomplish by using more tact than he had in the past.

Another pressing problem which Pearce faced at this time was the settlement of disputed land claims arising from squatting on crown lands in advance of the surveys.

The squatter-settlers, well aware of their counterpart's practice on the American frontier, believed that the government would be forced to recognize their land claims when the surveys were completed. This was not the case⁵⁸ as the Dominion Lands Act of 1880 prohibited squatting on crown lands and thus the government was not legally bound to recognize such claims and dodgers were circulated along the frontier warning the squatters of the⁵⁹ government's official position. In practice however because it was not their fault that the surveys were not far enough advanced to permit them to properly enter a claim for their land Pearce, acting in the spirit of the government policy, consistently accepted their claims⁶⁰ provided their lands were not required for other purposes. Only in the case where their land was needed for specific reasons or for inclusion in Indian reserves were squatters removed from their holdings. In the case of settlers squatting on reserved lands Pearce interceded with the railway, the Hudson's Bay Company, or the various colonization companies on their behalf to take an equivalent

58

43 VIC. Cap. 26. s. 5.

59

Interior Records, 23916.

60

A memorandum on the policy of the Lands Board towards squatters, WPP, file 14.a.1.

amount of land elsewhere in exchange. Pearce's policy was to ensure that the squatters were protected in their interests to the extent consistent with government policy and the public interests.

In this respect Pearce's responsibility was to safeguard the squatters' interests and to ensure that when the surveys were completed they would be confirmed in their claims.⁶¹ The Surveys Branch had failed to meet the immediate needs of the land rush and Pearce would not permit the penalty for this failure to be a concern of the settlers. Had the surveys been completed the settlers would not have been forced to squat on public lands and would have entered their lands in the prescribed manner. Their intent was to gain title to their parcels of land as soon as the registry offices would permit it and his policy and that of the Board was to do everything within reason to protect and assist them. The object of Pearce's attitude towards the squatters was to encourage settlement not drive it away.

The solution to the problem of squatting was to press ahead the surveys as quickly as accuracy would permit. Once the surveys were completed township maps could be drafted and when these reached the local land offices the

61

Pearce estimated 95% of the squatters were bona fide settlers, Interior Records, 14906.

registration of land claims would become routine. The consequences of the Mackenzie government's policy of retrenchment were now being felt in the West. Under the Macdonald administration the Surveys Branch acted with vigor to make good the deficit.⁶² In 1880, 52 surveyors were in the field, by 1883 over 118 survey parties were working in the West and by the close of the 1885 season the surveys of the habitable portion of the plains had been completed. With the completion of the township maps in 1885 settlers were able to locate lands open to homestead and no longer had to take up unsurveyed lands. The identification of homestead lands made the process of claiming land routine and the importance of the Lands Board involvement in the division of Territorial land resources was greatly reduced.

62

Government Surveys 1871-1885

<u>Survey contracts let under</u> <u>Macdonald's administration</u>		<u>Survey contracts let under</u> <u>Mackenzie administration</u>	
1871-73	8,800,000 acres	1874	230,156 acres
1879	1,130,482	1875	665,000
1880	4,472,000	1876	420,507
1881	9,147,000	1877	231,191
1882	9,460,000	1878	306,936
1883	27,000,000		
1884	6,400,000		
	66,409,482 acres		1,853,790 acres

Total acreage surveyed by 1885 was 68,263,272 acres.

WPP, file 27.B.20.

The Deputy Minister of the Interior, A. M. Burgess, chose June 1884 to make his first inspection tour of the West in order to observe at first hand the practical workings of the Outside Service and to satisfy himself that the operation of the Lands Board was effectively meeting the demands of an ever increasing frontier population.⁶³ As he suspected he found that owing to the nature of his duties as the senior officer in charge of the Outside Service Pearce was the real power on the Board and that Commissioner Walsh spent most of his time in Winnipeg approving Pearce's recommendations and interviewing prospective immigrants.⁶⁴

Burgess was amazed that Pearce had accomplished so much in so short a time. The senior officials of the department in Ottawa had viewed the development of the land rush with some apprehension as they feared a repetition of the violence that accompanied land rushes in the United States. Burgess was therefore pleased to find the activities of the Outside Service so widely accepted amongst the settlers.⁶⁵ From his conversations with settlers and his observation of the activities of the Lands Board personnel he was convinced

63

A report by Burgess of his western tour, Interior Report, 1884, Part VI, Appendix.

64

Macpherson to Macdonald, March 9, 1885, Macdonald Papers (PAC), 112835.

65

Interior Report, 1884, Part VI, Appendix.

that the Outside Service was on an efficient and respectable footing, and it was evident that the regional agency procedures were firmly established along well defined lines. The only persons he met who were not pleased with the operation of the Lands Branch had been speculators and townsmen. No amount of explanation could convince them they were in the wrong concerning homestead grants.

Burgess recognized that most of the credit for this surprising state of affairs was due to Pearce's efforts. While Walsh remained in Winnipeg, Pearce had directed and administered the field work of the Outside Service. By frequent inspections and his insistence on the proper conduct of land business he had brought his staff to a point of respectable efficiency within eighteen months of the establishment of the Lands Board. This he had done by removing from office those agents guilty of fraudulent practices and by insisting that the local land agents practice acceptable business procedures. His thorough inspections of each agency not only helped to maintain the standard of work he demanded of his men, but also raised the morale of the Outside Service and enhanced their image in the eyes of the public. In Burgess' view Pearce's accomplishments in the short time he had held the office of Inspector of Lands Agencies were highly commendable and he congratulated him on his success.

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CHAPTER III

THE NORTH SASKATCHEWAN RIVER SETTLEMENT CLAIMS

1883-1884

The decision of the Surveys Branch to direct its energies in 1883 towards an expansion of the township grid along the main line of the Canadian Pacific Railway was the result in part of the railway's demand that its 25,000,000 acre land grant be located and in part of the needs of settlers during the land rush. The officials of the railway suggested to Macdonald that if the government's Surveys Branch could not locate the land quickly enough their own surveyors would be available for the task. But he had already been assured by the Surveys Branch that its men had the expansion of the grid well in hand and that there was no need to involve the railway surveyors. Apart from the

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J. N. Wallace in an address given before the Dominion Land Surveyors Association in 1912 stated that the Canadian Pacific Railway had offered to carry out the township grid surveys to locate their own lands. Wallace claims that he helped to convince the Minister of the Interior that the Surveys Branch should do the work.
WPP, Misc.

2

Lindsay Russell to J. S. Dennis, December 2, 1880. Russell promised the Prime Minister that his surveyors would survey 35,000,000 acres of land by 1885 to meet the Canadian Pacific Railway requirements. By that date they had in fact surveyed over 68 million acres. Interior Survey, 0242.

dangerous implications of permitting railway engineers to pick their own lands the ability of the Surveys Branch had been brought into question. The pride of the government surveyors demanded an all out effort to prove the railwaymen wrong and their total energies were now directed along the main line.

As of necessity priority had to be given the region with the greatest number of settlers, the decision to divert the surveys south away from the isolated communities of the northern plains in order to help regulate the mushrooming settlements along the main line was sound. It did however involve the possibility of serious consequences in the north where many had patiently awaited the surveys so that they could gain title to their lands. Some had waited for over a decade. Without title their lands were technically still part of the public domain and they could not legally engage in any real estate transaction. In fact this did not hamper land sales as land deals went ahead particularly during the period of the northern land boom between 1881 and 1883. It did however cast an aura of uncertainty over such transactions in relation to the eventual ownership. Under these circumstances each community took particular care to safeguard the holdings of its members against newcomers and speculators until patents were forthcoming.

These isolated settlements were situated along the

North Saskatchewan River where they had initially sprung up from mission stations and fur trade posts in the 1870's. They had since grown in anticipation of the construction of the railway along the original northern route. When it became known that the railway was to be built in the south, the communities along the river were faced with a bleak economic future. Their citizens, disillusioned by their reversal of fortune and frustrated in their attempts to obtain title to their lands, grew restless and petitioned the Prime Minister for redress of their grievances. Macdonald saw the germs of political opposition in their demands and in an effort to quiet the growing unrest he ordered the Department of the Interior to rush ahead the settlement of the long standing land claims along the North Saskatchewan River. This was to become the most pressing problem confronting the Dominion Lands Board in the fall of 1883.

The Prince Albert district was the most seriously affected by the inadequate amount of surveyed land. The first settlers had come into the district about 1866 when the Reverend John Mackay and the Reverend James Nesbit arrived with some servants to establish a Presbyterian mission. In subsequent years the mission had gathered around it a few Indians and Métis³ of which very few were actual settlers.

Later when required to state the date of their settlement in support of predating their homestead entries few were able to prove residence prior to the date of transfer of the Northwest Territories to the government on July 15, 1870. After 1870 a trickle of former residents of Manitoba and ex-officials of the Hudson's Bay Company settled near the mission and these were augmented by a few settlers from the eastern provinces and Great Britain. Between 1878 and 1882 the greatest number of settlers arrived. Government surveys made of the district by surveyors detached from the Special Survey found that in 1876⁴ there were at Prince Albert 100 houses inhabited by some 500 people, mostly English speaking, and two general stores belonging to the Hudson's Bay Company and to Charles Mair. South of Prince Albert at St. Laurent, where the 102nd Meridian cuts the south branch of the Saskatchewan River, there were 400 French speaking Métis under the care of Father André. These formed the nucleus of a village but as they were fond of the chase and spent most of their time hunting on the plains there was little evidence of a stable settlement. At Duck Lake nine miles to the west there were another 50 settlers while at Carlton House some forty miles south-west of Prince Albert there was a single trading post. At Fort à la Corne fifteen miles

east of the forks of the Saskatchewan six families were encamped and on the north bank of the south branch some fourteen miles south of Prince Albert there was an undefined Indian Reserve belonging to One Arrow's band and across from it at Batoche's Crossing were twenty-five families who wintered there and whose numbers were frequently augmented by hunters and Red River traders.

The government surveyors recorded that although the land here was equal in quality to that of the Red River Settlement it was unlikely that a farming industry would develop because of the distance from the continuous farming frontier and because certain unnamed persons were stirring⁵ up the people over land matters. They and others had observed what appeared to be considerable friction between the M tis, whites and Indians over land ownership and they warned that tensions were likely to continue to develop⁶ between the contending groups.

The first outward signs of serious trouble in the district occurred in 1875 when the government learned that the French M tis led by Gabriel Dumont were said to have

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Idem.

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James Nesbitt to Alexander Morris, August 1, 1883, Morris Papers, (PAM), #368.

7

established a provisional government for his people at St. Laurent along the lines of that formed by Louis Riel in Manitoba in 1870. If such were the case Dumont would pose a direct challenge to the government's sovereignty in the Northwest Territories and his actions would amount to treason.

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On July 12, 1875, Laurence Clarke, a Justice of the Peace in the Territories, obtained a written information charging the Métis leader with illegally establishing himself as the President of a Provisional Government, with interference in free trade on the plains by the illegal prevention of hunters not of his following from entering the plains, with the warehousing of spirits for sale to the Indian and Métis and with forcibly stopping work on the government telegraph line. Clarke's information sounded

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A return of a memorandum and file from the Indian Affairs Branch of the Department of the Interior, Macdonald Papers (PAC), 41978-88.

8

George F. G. Stanley in "The Half-Breed Rising of 1875," in the Canadian Historical Review, 1936, states that Dumont's provisional organization of the hunt took place on December 10, 1873 when a code of laws was approved. The success of the organization led to its establishment on a continuing basis in December 1874. The attempts by the Métis to extend their hunt regulations to others led to government intervention.

9

L. Clarke to Lt.-Governor Morris, July 12, 1875, Morris Papers, (PAM).

ominously familiar to government officials in Ottawa. They not only recalled the events of the Red River Rebellion a short five years ago but they were also well informed of American frontier incidents involving whites and Indians in what in some regions amounted to continuous guerilla warfare. Cognisant of the possible return to Canada of Louis Riel, who had the potential to stir the Métis and Indians to rebellion, the government took prompt action to assert its authority. Macdonald authorized the use of force to put down these "rebellious subjects" and a force of 50 North West Mounted Policemen under Captain French was sent to winter at Fort Carlton and to apprehend Dumont.

Dumont had been able to draw support for his actions from all factions in the district when it was learned that he intended to draft petitions to the Department of the Interior concerning a variety of matters relevant to settlement including a request for land patents. He claimed he would force the government to take action to meet the settler's demands as had Riel in Manitoba in 1870.

When the police arrived, Dumont rationalized his actions as being merely the formation of a council of the hunt. He stated that no insurrection was ever intended. It had been the council's restraining of the English Hudson's Bay Company traders from entering the plains prior to the opening date of the hunt that had caused Clarke to raise a false alarm. Dumont also denied selling spirits to the

Indians and he apologized for having stopped work on the telegraph, a mistake for which he was sorry. Captain French took Dumont's statement at face value and reported to his superiors that Clarke had been misinformed. Although the police remained at Carlton over the winter they treated the episode as a frontier incident between hunters and settlers.

The winter of 1877-1878 saw a number of land speculators drift into the settlement in anticipation of Macdonald's return to power and the fulfilment of his promise to build the Pacific Railway. The arrival of the speculators placed the settlement's land transactions in jeopardy.¹⁰ That winter the community witnessed the beginnings of conflict between the townsmen and the newcomers over precarious land claims. These disputes were to continue to multiply and to grow in intensity until the end of the land boom in Prince Albert in the fall of 1883. This rampant speculation in land added to the tension between the various elements of the community.

¹¹
On February 21, 1878, the settlers at Prince Albert sent a petition to Macdonald requesting his help in obtaining title to their holdings. Among their demands were those asking that the government agree to recognize the aboriginal title to lands, the right to river lots in lieu

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Macdonald Papers (PAC), 42023.

¹¹
Idem.

of the grid survey, a grant to each settler in residence prior to the date of transfer of a free gift of 160 acres and recognition of the right to pre-date land claims to the date of actual settlement rather than the date the local registry office opened. This would qualify most of them for immediate title as they had already met the homestead requirements.

In reply the Minister of the Interior promised that most of their demands would be met including the granting of river lots. However in regard to their request for pre-dating of their entry, the Minister of the Interior replied that under current land regulations he did not have the power to grant this. Unless the legislation were changed the settlers were faced with the unwelcome prospect of having to put in three more years in residence before their patents could be granted.

In the meantime, while this important issue was unresolved, two Orders-in-Council became effective which placed the settlers in a still more serious position. On October 9, 1879 the government withdrew all odd numbered sections from homestead and pre-emption settlement to meet the anticipated land grant for the Pacific Railway. This was followed on May 25, 1881 by a regulation which doubled the purchase price of pre-emption lands to \$2.00 an acre. Unless special concessions could be granted those settlers of long standing already on the plains they would face the prospects of removal from any lands they held on odd numbered

sections and a 100% increase in the price on pre-emption lots which they had worked for years.

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On October 8, 1881,¹² the settlers in Prince Albert met and again petitioned the government. This time, in addition to their other demands, they asked that their title be confirmed to any lands on odd numbered sections, as in the absence of surveys they could not readily ascertain where their lands were when they had settled in the past and as at the date of their actual entry the odd numbered sections were open to settlement. They also drew attention to the problems created by the inability of Land Agent Duck to open the

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local registry office¹³ and register their claims. It was not their fault that they had not been able to file their entries when they commenced residence but under the new regulations it appeared they were to be financially penalized for the government's incompetence and some might even lose their claims.

In reply to this petition Lindsay Russell, the Surveyor-General, indicated to them that all their demands consistent with the public good would be met by the government.

12

Interior Records, 56366.

13

George Duck was appointed Lands Agent for Prince Albert in 1878 but his office did not open until August 1881 and did not function effectively until 1882.

A. L. Russell to Duck, August 2, 1881, WPLB PA Claims; Macdonald Papers (PAC), 42093.

The only exception was on the principle of pre-dating entry on which the Department of the Interior still had not yielded. Because the ability to pre-date entry onto their lands was the major issue at stake Russell's reply was not acceptable. To the settlers it appeared that the only reason for the Minister of the Interior's refusal to approve the change was that the government intended taking their lands away and giving them to the railway or to the newly formed Prince Albert Colonization Company. Their frustration turned to bitterness and the situation in the Prince Albert district became incendiary.

Then just at the height of the land boom when railway surveyors were rumored to be quickly converging on their community and real estate activity had reached frenzied proportions news came of the decision to build the railway in the south. Overnight the boom collapsed and the district faced economic ruin. For over a decade the settlement had existed in isolation, developing the frontier community so that when the railway came it would be ready. Now all the hopes and dreams of the settlers were dashed and their mood became uglier.

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Policemen, justices of the peace and federal agents were assaulted in the streets and some cases brought before

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J. P. James Campbell to Edgar Dewdney, November 12, 1883; Dewdney to Macdonald, November 13, 1883, Macdonald Papers (PAC), 89951.

the courts were forcibly adjourned by mob action. The Lieutenant-Governor of the Territories, J. Edgar Dewdney, viewed the developing situation with such alarm that he repeatedly asked Macdonald to increase the size of the police force.¹⁵ Dewdney warned Macdonald that where there was smoke there was fire and most of the smoke was from the English speaking settlers at Prince Albert angered by their inability to obtain patents.¹⁶

Fearful of the implications for his administration of any unrest in the West Macdonald ordered the immediate settlement of the land claims of the Prince Albert settlers¹⁷ "lest they all become Grits". In this situation the government would have to demonstrate to its critics its ability to administer the western regions. He now considered the delay in processing land patents in Prince Albert as scandalous particularly as land agent Duck though appointed in 1878 had not opened his office until 1881. He was particularly sensitive to the possibility that the unexplained

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Dewdney requested an additional 50-100 men in 1881. Dewdney to Macpherson, January 5, 1881, Macdonald Papers (PAC), 89951.

16

Idem. Dewdney told Macdonald that he didn't feel the white settlers would rebel as they were generally conservative in nature but he feared the Métis would as they had fought and won before.

17

Macdonald to Macpherson, July 7, 1882, Macdonald Papers (PAC), 112194.

delay in opening the lands office would result in even greater public indignation over what appeared to be the obvious inability of the Department of the Interior to handle a simple routine matter and would at the same time tend to confirm Liberal charges of incompetence and maladministration within the Department of the Interior. That Macdonald was so tardy in recognizing the evolution of the lands problem at Prince Albert to dangerous proportions was mainly due to his neglect of the Interior portfolio in favor of business pertaining to the Prime Minister's office and the demands the Conservative Party leadership placed on him. When in 1881 he appointed Sir D. L. Macpherson as Acting Minister of the Interior he had hoped to be relieved of much of the work of the department. Macpherson however was ignorant of the West and frequently ill. In addition he sat in the Senate and could not speak for the ministry in the House. Macdonald therefore took it upon himself to be the Interior's spokesman in the Commons. This unhappy arrangement often led to procrastination, inefficiency and incompetence at the policy making level as Macpherson would not act until he had conferred with Macdonald who himself was rapidly losing touch with the realities of the western situation. The Department of the Interior was not to have an independent Minister in charge of its affairs until the

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appointment of Thomas White in August, 1885.

The Dominion Lands Board informed Macdonald that they could not undertake the adjudication of the Prince Albert land claims until 1884. Not till then could the Inside Service draft township maps for the North Saskatchewan River regions even assuming that the surveyors would complete the extension of the grid northward during 1883. Nothing could be done by the Lands Branch by way of processing land claims until the surveys were done and the maps drawn up. In any case the members of the Board were far too busily engaged in the south to attend to the matter until the following year.

This casual attitude to the demands of the Prince Albert settlers was due to many factors. The Lands Board had heard the same complaints from the settlers of all the frontier communities from Qu'Appelle and Calgary north to Edmonton and the Prince Albert petitions did not cause them undue concern. Even though Duck delayed opening the Lands office from 1878 to 1881 because he had not received
 19
 the essential township maps or lands regulations it was apparent that even had he been able to open at an earlier

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 See below pp. 170-172.

19
Interior Records, 51233.

date he would not have had much to do. Although so much had been made of the delay in opening the Prince Albert Lands Office when it eventually did become functional there was little business to occupy the agent. In 1882 from a district²⁰ with a population of some 5,000 only ten applications for patent were received and in 1883 there were only seventy-five.²¹ It did not occur to either Walsh or Pearce that one of the reasons the settlers did not make entry onto the lands was the dispute over the pre-dating of their claims. As both Pearce and Walsh knew the government intended to grant them this right they did not understand the settlers' hesitancy to register their claims. After a decade of procrastination the settlers were not convinced of the government's good intentions and refused to enter a claim which might take another three years residence before patent. This breakdown in communications and trust between the government agencies and the settlers in the Prince Albert District²² was politically dangerous and Macdonald ordered

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A census take in 1881 enumerated 3,236 individuals in the Prince Albert district, Lloyd Rodwell, "Land Claims in the Prince Albert Settlement," Saskatchewan History, 1966.

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Macdonald Papers (PAC), 61427; WPLB PA Claims p. 37 ff.

22

A. E. Forget reported that in his opinion everyone in the Prince Albert district was opposed to Macdonald's government and that they were intent on embarrassing the Conservatives. He and Macdonald viewed the problem as primarily a political manoeuvre. A copy of a memorandum from Forget to Dewdney, December 5, 1884, Macdonald Papers (PAC), 42921.

Macpherson to rectify the problem at once.

As the proposed date of 1884 for the Lands Board investigation at Prince Albert was no longer suitable Macdonald chose the occasion of the reorganization of the Department of the Interior in 1883²³ to create a special²⁴ commission to settle the land problems there. Lindsay Russell, the Surveyor-General, was asked to proceed to the region and summarily settle all the land disputes in the district. He was given the power to pre-date land claims to the date of actual entry and he was to make immediate patent recommendations where required. He was to go to Prince Albert in the summer of 1883 and settle the land problems as efficiently and as quietly as possible. Macdonald, who viewed the growing unrest as primarily a political problem, knew that the Liberal Party would be certain to take up the cause of the western settlers whether it was based on myth or reality and relate it to his administration's record in the entire West. This he was determined to avoid.

Russell was prepared to leave immediately and as

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Under the reorganization of the Department of the Interior in 1883, Macpherson became Minister of the Interior and A. M. Burgess became the Deputy Minister replacing the retiring Col. J. S. Dennis.

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Macpherson to Macdonald, May 30, 1883,
Macdonald Papers (PAC), 112525.

the surveys were being extended to the settlement by grid expansion that summer all augured well for his mission.

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Unfortunately he became ill and could not go. When news of Russell's illness reached him Pearce offered to take his place and he wrote Burgess²⁶ that he would go in the dead of winter if it were desirable. He could not leave immediately as he was at present the Acting Commissioner of Dominion Lands while Walsh was absent in Ottawa but as soon as Walsh returned he would be prepared to procede. Land matters in the south were now well in hand and were quickly becoming a matter of routine as the surveys had advanced beyond the settled areas. He felt that he could quickly and effectively handle the situation in Prince Albert with the aid of only a secretary.

After Russell, whose illness was shortly to lead to his resignation, Pearce was the obvious choice for the task because of his wide experience. Indeed his handling of the squatters in the southern land rush made him the most qualified government agent available. Macdonald agreed to

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Interior Records, 56233, Secretary of the Department of the Interior to Aquila Walsh, November 19, 1883.

26

WPLB Private, Pearce to Burgess, September 17, 1883 and October 4, 1883.

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the proposal, but added certain provisos to Pearce's commission that further delayed the settlement of the claims. Whereas Russell's position would have enabled him to settle the claims summarily, Pearce, by bureaucratic protocol subordinate to Walsh, was required to forward his findings through the Lands Board.

Pearce's task was still further magnified by the injunction that, whereas Russell had been expected only to deal with Prince Albert, he was to include the settlements at Victoria, Edmonton, Fort Saskatchewan and Lac St. Anne as well as Calgary and Medicine Hat in the south in his investigation. The decision of the Minister of the Interior to expand the terms of reference of Pearce's commission would result in all the outstanding land disputes south of the North Saskatchewan River being settled by the conclusion of the 1884 season.

Pearce had made a routine inspection of the Prince
Albert Registry Office in the course of his duties in 1883. 28
Because township maps were not then available he had been satisfied to leave land matters pending, but he made it his business to meet as many people as possible and to assure them

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Interior Records, 65366, A memorandum to the Privy Council, October 18, 1883.

28

Pearce to Duck, October 10, 1883, Interior Records, 65366; Interior Report 1883, Report of the Inspector of Lands Agencies.

of the Board's good will. Of particular concern to the settlers on the South Branch were the actions of the Prince Albert Colonization Company and the fear that they would be removed from the company's eight township tract.²⁹ Pearce assured them that he would intercede on their behalf and arrange for an exchange of lands where required. He also instructed Duck and his assistant, Gavreau, to take a census of the French Métis on the South Branch and to make an inventory of the improvements to their lands, though on no account were they to imply that individual claims were granted. They were aided in this work by Father André and other members of the French speaking Catholic clergy. They were also to urge the Métis at St. Laurent to make entry for their lands. This the hunter groups refused to do on the pretext that they might have to pay taxes on them while others argued they would be forced to take up³⁰ arms to defend the government from unspecified enemies.

Pearce did not believe their reasons as he had been informed by Duck and others that they had been advised by prominent citizens not to enter their lands and thus by withholding entry force the government to make larger

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Pearce to Walsh, February 14, 1884, WPLB PA
Claims.

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William Pearce, "Half-breed and Indian Outbreak, 1885; Causes of and Suppression of Same", An address to the Alberta Military Institute, October 16, 1923, WPP, file 14.e.3.

31

concessions at a later date. Pearce felt that they were primarily a hunter society and therefore had never likely ever intended to enter their lands. He believed them to be as excitable as the Métis he had observed during his work on the Red River surveys when he had judged their brothers to be a lazy, ignorant people, completely unaware of the complexity of the problems that faced them with the advance of the frontier. Now they would have to come to grips with society and stake out their claim to a parcel of land before homesteaders and speculators took it from them. In the all too likely event that they did not take the advice of their priests and government agents and make entry onto their lands they would have to suffer the consequences.

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Despite the urgency of the situation, Pearce was in no hurry to proceed to Prince Albert because the township maps were not yet ready and without them he could accomplish little by way of settling claims. Prior to departure he had arranged for dodgers to be scattered about the district and notices placed in the Prince Albert Times advising the settlers of the purpose of his visit and encouraging

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Idem.

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Pearce to Duck, October 10, 1883, WPLB PA
Claims.

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them to come forward to meet with him. When all the township maps, except those for the South Branch, were ready, he left Winnipeg on January 7, 1884 and arrived in Prince Albert on the 15th of that month.

It is ironic that after all the frenzied efforts of Macdonald and the Department of the Interior to hasten the investigation of land claims at Prince Albert the investigation was to begin only a few weeks before the date originally set by the Lands Board. Even this insignificant gain in time was the result of Pearce proceeding to the district without the township maps of the South Branch. These were supposed to be forwarded to him during the course of his work but they did not reach Prince Albert until March. By then he had returned to Winnipeg leaving the land claims on the South Branch untouched. Had he waited a few more weeks before starting his work he would have had all the maps in his possession. He could then have adjudicated the Métis claims in their communities at Batoche and St. Laurent. Had he done so the Métis leaders could not have used his inability to investigate their land claims to incite their people. The government authorities committed a serious error in insisting on unnecessary haste when the delay of a few more weeks, which in consideration of a delay of over

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Copy of notices in the Prince Albert Times, January 22, 1884, and subsequent issues, WPLB PA Claims, pp. 3-15, 52-53.

five years was insignificant, would have permitted a complete investigation.

Immediately upon Pearce's arrival at Prince Albert he was thrown into a major scandal involving one of the land guides, a forest ranger and a prominent citizen. Van Luven, a townsman, claimed that Charles Patrick Moore, the local forest ranger, had approached him with the proposal that for \$100 he could arrange to have land guide, Robert Evans, give him a good homestead report³⁴ so that Van Luven would get patent to certain parcels of land. Van Luven was afraid that because he was a townsman and could be on his lands only on the weekends and had therefore not met homestead residence requirements he would lose the land. When Van Luven reported the bribe to Pearce the previous November both government agents were suspended from their posts. The case had kept the settlement up in arms all winter and confirmed the townsmen's opinion of the character of government agents in general and when Evans did not immediately report the matter to Lands Agent Duck, the settlers suspected that he too was corruptible and in league with Moore.³⁵

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Pearce had earlier authorized Evans to perform the duties of a Homestead Inspector in view of the shortage of qualified men. Pearce to Duck, August 22, 1884, WPLB PA Claims.

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Evidence on the Van Luven case, WPLB PA Claims, pp. 3-12, 125-157, 168-169, 182, 193-200, 218-233, 235-241, 275-280.

When Pearce questioned the townsmen about the case he discovered that they were at first reluctant to give evidence as they felt all government agents, including Pearce, were corruptible and they were afraid to give evidence because they felt they would only jeopardize their own claims. When they did talk he found their evidence conflicting. Testimony taken under oath could gain him no insight into the matter as the three men continued to besiege him with corroborative evidence based upon the testimony of their friends. There had obviously been considerable community involvement in the affair as it appeared to Pearce that the entire settlement had taken sides in the matter. But most of the townsmen felt that both of the government agents were corruptible and that their administrative responsibilities over land resources gave them control of the settlement in which land claims were long standing and a source of friction.

The fundamental difficulty in deciding on a course of action was Pearce's inability to get at the truth. To him all three men involved were capable of the charges each brought against the other. Unable to establish the rights of the matter his main concern was to ensure that such a situation would not again arise. He reinstated Evans as a land guide on the proviso he report to Duck at least once a week and he reprimanded Moore and his superior

Crown Timber Agent Waggoner for not putting a stop to the rumors. Moore was to be reinstated and recommended for service at another agency with the proviso he never again serve under Waggoner.

Pearce's rulings officially closed the case but the damage done to the reputation of government agents in the district was irretrievable. It is little wonder that under these circumstances the settlers were uneasy over the future of their land claims. It is also understandable that in view of the calibre of government agents already in Prince Albert they should question the reliability of Pearce and the character of his investigations. Pearce would have to demonstrate his integrity before they would accept him as an honest official. The actions of the government agents had helped to undermine the authority of the Department of the Interior at a critical period in the history of the settlement and had contributed greatly to the unstable nature of the community.

Apart from the Van Luven case, Pearce carried out an inspection of the Lands Agency and the Crown Timber Office while waiting to hear evidence on the disputed land claims. He found the office of the Crown Timber Agent, Waggoner, in disarray and Duck and Gavreau were assigned to straighten out the books and to give Waggoner a short course in bookkeeping. There had also been rumors that Waggoner had

used his office for personal gain by purchasing a town lot at half price on the understanding that he would build a house valued at \$1,000 on it. As this was not an unusual condition of sale Pearce ordered him to make the Minister of the Interior aware of the transaction in order to protect himself from charges of extortion such as those faced by Moore and Evans.

Turning to land matters, Pearce had assumed that he would be able to resolve the long standing claims without delay. He estimated that it was unlikely there would be more than 400 cases for disposal and with his power to pre-date land patent affidavits he was sure that he would be able to satisfy all parties.³⁶ His optimism however soon turned to despair as it was immediately obvious that land claims in the district were hopelessly confused. Many of the original squatters had sold "their" lands before obtaining title while subsequent "owners" had in turn sold to others. In effect they had sold land belonging to the public domain without title and legally Pearce was required to seize the land. He realized that such a course of action would be both impractical and contrary to the settlement policies of the government. He decided that because they were all squatters he would treat each of the

claimants equally and that he would accept the status quo of ownership claims. In the absence of corroborative witnesses he would have to assume that the present occupant did indeed have the right to the land. As there were no precedents dealing with such a situation he decided to proceed with each claim on its own merit in an attempt to satisfy both the settler and government policy.

Further complications arising from the character³⁷ of the settlers denied any expedition in his work. The only three dates the settlers were likely to remember and to which they related their lives were the Riel Rebellion of 1870, the smallpox epidemic of 1871, and the flooding of the Saskatchewan River in 1875. In an effort to be fair to each claimant he devised a forty question personal data sheet that each settler was required to fill out and sign. The questions were designed to outline each settler's claim and they were to add any other circumstance which might support their petition.

Pearce took over 1,000 affidavits in the course of his investigation of some 700 land claims. He was ready to concede that much of the evidence taken was not accurate³⁸ but he felt it was honestly given, and therefore it could

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Pearce to Walsh, February 5, 1884, WPLB PA
Claims.

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Idem.

assist in the settlement of the claims particularly as the present allocation of lands seemed to be acceptable to the community as a whole. He based his decisions on certain principles. Where the settler was a bona fide farmer and gave evidence by his improvements and the length of his residence that he had every intention of developing the land, Pearce was prepared to be as lenient as possible consistent with his responsibilities under the Dominion

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Lands Act. Claims to homestead lands by townsmen or
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government employees he would deny. All claims could be

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In an affidavit dated January 31, 1884, William Spencer of Prince Albert asked permission to give up his homestead and take out a new one. His reasons were that owing to a succession of wet seasons and the low nature of the land he had entered it was impossible for him to perform settlement duties or to break sufficient land to grow enough wheat to keep his family fed. Spencer was married and had five children.

Pearce added to the file that he had discovered that Spencer was an ex-Hudson Bay officer who had lived most of his life in the West but could not make the transition to farmer and had been unfortunate in the choice of his homestead lands. He decided that Spencer should not only be given permission to take up other lands but that he should be given free entry to his second homestead because he had made an honest effort to comply with the homestead regulations.

Pearce to Walsh, January 31, 1884, WPLB PA Claims, pp. 172-173.

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Pearce denied the right to take out a homestead to Mr. H. Keenan of Prince Albert. Keenan was a member of the North West Mounted Police at the time he had made his entry. He left the force in the fall of 1882 and re-entered the force in the fall of 1883. During the time he was not a member of the force he acted as Bailiff at Prince Albert. Pearce to Walsh, January 16, 1884, WPLB PA Claims, p. 24.

pre-dated to the date actual entry was made on the lands and the terms of settlement would be those of the Dominion Lands Act in force at that date. In regard to the need of the settler to meet improvement requirements he would assess the value of improvements at the price rate of 1882, the height of the land boom when prices and wages were at a premium, no matter when the improvements had actually been made. He would also take into account the settler's time in making the improvements and credit him with labor costs calculated at the rate when hourly labor was at its peak. In this way the settler would be given the maximum credit for his improvements. He also decided to grant settlers the widest latitude possible in respect to the date of change in the pre-emption price from \$1.00 to \$2.00 an acre. This was to have come into effect on October 9, 1879 but the uncertainty of the mails and the time lag in receiving this information persuaded Pearce to set June 1, 1880 as the effective date of the price increase in this district.

Such leniency in dealing with the settlers placed most of his decisions outside the letter of the law. This meant that the Justice Department would not automatically approve his patent recommendations. Although under the terms of his commission the Lands Board had the power to authorize his findings both Pearce and Walsh felt it would be wiser to have the minister's approval because most of

the claims were based on equity and thus outside the regulations of the Dominion Lands Act. They would therefore not likely meet the approval of the Justice Department. They were particularly concerned over that department's reaction to the majority of claims where ownership rested solely on the present resident swearing an affidavit that he was in fact the rightful owner. The unusual character of these claims was a result of the departure from the district of witnesses to past land transactions and although Pearce was ready to recognize ownership he wanted the minister's approval before proceeding with individual patents. Only then would patents to land claims lying outside the Lands Act be approved.

Pearce drew up a schedule of seventeen classes of claims covering his recommendations. This schedule was approved by Walsh who forwarded it March 14 to the Minister of the Interior for his approval. The schedule was returned to the Lands Board in April with permission for Walsh and Pearce to start processing the individual cases in accordance with Pearce's suggested guidelines.⁴¹

The results of Pearce's investigation satisfied all but a few of the people in the Prince Albert district. In six weeks he had done much to remove the most acute

grievances of the settlers except in the French speaking Métis settlements on the South Branch. He had been unable to examine land claims there because the promised township maps had not yet arrived.

He had considered visiting these outlying settlements in any case but because he realized that he could not take any action there until he had the maps he decided nothing would be gained. Without the maps he could not locate the boundary of One Arrow's reserve and he knew it would be unwise to investigate parcels of land whose rear lines would be certain to interfere with the Indian reservation if, as he was sure it would, his examination lent validity to these tenuous claims. Another reason for not going to Batoche was that he was not certain of the department's policy regarding the claims to river lots made by the Métis there. He knew that the accepted policy was to permit claims to river lots in any area where they were made on the basis of entry prior to the grid survey being carried out. If the land claims were made after the grid was drawn up then the settlers would have to abide by it and obtain their particular lot through a process of legal sub-division. The Batoche area had been surveyed in 1883 and

this meant that anyone who settled there subsequently would have to take up his lands on the sectional system. Pearce had been informed by Duck that most of the claimants at Batoche were not really settlers but hunters and that they had recently arrived in the district from Montana and Manitoba after the extension of the grid. This meant they were not eligible for river lots. But Father Vegreville and Charles Nolin had waited upon Pearce during his investigations and informed him that they had been assured by past promises of the Minister of the Interior and the Surveyor-General, E. Deville, that river lots would be available.⁴³

Pearce cautioned Nolin and Vegreville against assuming that all those at Batoche would receive river lots as had their brothers at St. Laurent where settlement had been prior to the surveys. Burgess had previously informed Duck as early as 1882 that re-surveys of any area would not be authorized.⁴⁴ The expenditure of \$2,000⁴⁵ to carry

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Duck to the Surveyor-General, March 11, 1882; Burgess to Duck, September 22, 1882; Duck to the Secretary of the Department of the Interior, December 17, 1883; A memorandum on the visit of Nolin and Vegreville to Pearce, January 22, 1884, WPLB PA Claims; Pearce to Macdonald, January 17, 1884, Macdonald Papers (PAC), 42201.

44

Burgess to Duck, September 21, 1882, WPLB PA Claims.

45

Pearce to H. H. Smith, November 7, 1885; Burgess to Macpherson, May 31, 1885, Interior Records, 57904 & 163849.

out such a re-survey at Batoche would be entirely out of proportion to the handful of individuals involved particularly as it could not be proven that these Mētis were in fact intent upon settling. As a hunter group they were unlikely to stay on their claims. He warned them that the promises by the Surveyor-General⁴⁶ to recommend river lots for the new arrivals were considerably outside his jurisdiction and were indiscreet. Pearce promised them he would forward their request to the Minister of the Interior but he held out little hope their wish would be met.

One of the reasons the department would look upon their request unfavorably was because at least two of the settlers on the South Branch had indicated a desire to take up sectional parcels of land. They had done so in the face of the determined opposition of their neighbours⁴⁷ who were demanding river lots. Their applications and their neighbours' reaction to them would not go unnoticed by the authorities. In their case a re-survey into river lots would do them harm. Pearce was not himself disposed towards a river lot survey merely to satisfy the temporary wants of

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Interior Records, 42198.

47

Michael Canny had applied to make entry onto lands in the sectional grid but could not get his neighbours to witness his affidavits. Pearce to Macpherson, January 22, 1884, WPLB PA Claims, p. 271.

the hunter group.

Without the township maps and a definite statement of government policy on the river lots at Batoche Pearce felt he had no choice but to hold the matter in abeyance. In any case he did not speak the French language and would have had difficulty in taking their evidence. Both Duck and Gavreau were French speaking and as they had assisted him in the past few weeks he did not hesitate to leave the work of the South Branch to them to be completed when the maps arrived. Unfortunately some of the Métis took his failure to visit them as a slight upon their race and further evidence of government indifference to their plight.

Pearce had planned to proceed directly to Edmonton after he had completed his work at Prince Albert but as the township maps were not ready he knew this would be futile. He therefore returned to Winnipeg and began the task of organizing the Prince Albert claims for ministerial approval.

Most of the settlers were satisfied with the results of Pearce's investigation. Of more than 700 claims he examined less than five per cent of the claimants were unhappy with his recommendations. His liberal treatment of the settlers would ensure that his work would be generally well received. He had been exceedingly careful to ensure the accuracy of each affidavit and meticulous in making

each decision.

One of those who was disturbed by Pearce's decisions was Daniel Cameron who started a disturbance among his fellow townsmen on the pretext that Pearce had made him pay for fallen timber on neighbouring land before he could gain patent to his homestead. He had already enlisted the aid of The Times in his protest against having to pay for unused lumber and his diatribe against Pearce and the bureaucracy was beginning to have an unsettling effect on the community. In this action he was joined by other disgruntled townsmen who had been denied homestead lands. Pearce asked Duck to have one of his supporters write a letter to the paper outlining the true facts of the case in an attempt to quash Cameron's irresponsible actions. Cameron had actually cut down timber on neighbouring land in the hopes that no one would claim it. He had not had a license to cut the trees nor had he used the wood, leaving it to rot where it had fallen. This to Pearce was wanton and malicious destruction. Even so Pearce had only required that before he was recommended, for title ⁴⁸ he pay for the timber he did not use or prove to Duck he had not cut it down in the first place. That Cameron's actions could have caused dissatisfaction was

proof to Pearce that there were too many townsmen with leisure time on their hands who took it upon themselves to carry out such intrigues in the town.⁴⁹ If they were apprised of the facts he had no doubt, Cameron would receive far less sympathy in the future but with the general feeling towards government agents in Prince Albert there was little Duck could do to publicize the government's position.

At the same time Duck was able to inform Pearce that the maps for St. Laurent and Batoche had arrived and that he and Gavreau had investigated all but 50 of the claims on the South Branch. The delay in examining the remainder was the result of the difficulty in defining One Arrow's Reserve which interfered with their back lines.⁵⁰ He promised to forward the results of his investigation as soon as it was completed sometime in May. Secure in this knowledge Pearce promptly turned towards his pending investigations in Edmonton and Battleford and pushed thoughts of the South Branch investigation to the back of his mind.

To accommodate the Deputy Minister who had requested

49

Pearce to Duck, April 24, 1884, WPLB PA Claims, p. 510.

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Macdonald Papers (PAC), 42352.

the company of Walsh and Pearce on his initial inspection
 51
 tour of the West Pearce now further postponed his
 departure for Edmonton. Burgess came west in June, 1884
 to observe at first hand the practical working of the lands
 administration and to reorganize the Lands Board to meet
 the needs of an anticipated increasing mineral development
 52
 along the foothills of the Rocky Mountains. All the
 visible factors indicated that such a development in the
 Territories was probable in the near future in view of the
 increased accessibility of the mountain regions as a result
 of the construction of the railway. Burgess thought that
 the eastern Rockies would experience a mining boom similar
 to the Fraser gold rush thirty years before. In order to
 administer the rush he planned to establish an office of the
 53
 Superintendent of Mines to be situated in Calgary and he
 wanted Pearce to take the new post. Pearce was the
 department's recognized expert on western affairs and he
 was the only senior official who was knowledgeable about

51

Interior Report, 1884, Report of the Deputy
 Minister, p. xx; Dominion Lands, Part VI, pp. 3-16.

52

Interior Report, 1883, Report of the Deputy
 Minister; Interior Report, 1884, Report of the Deputy
 Minister, p. ix. H. H. Smith reported over 361 mineral
 applications on the Bow River as well as requests for
 permits to drill for oil on Tail Creek near Red Deer, p. xiv.

53

Interior Report, 1884, Report of Deputy Minister,
 p. ix.

the field operations of the Outside Service and the problems involved in regulating a land rush. If he accepted the offer Pearce would relinquish his duties as Inspector of Lands Agencies to H. H. Smith⁵⁴ but he would retain his seat on the Lands Board, whose operations were by now considered routine. His combined duties as Superintendent of Mines and as a member of the Lands Board would make him responsible for the future development of land, mineral, water, and timber resources within the Northwest Territories.

Pearce was surprised at the offer as he had assumed that control of the mineral development would remain in Ottawa. Burgess pointed out that it was felt that the Superintendency should be in the West to regulate the expected boom, but that most of the business pertaining to mineral leases and mine development would be retained by the Ottawa staff. Still the office of the Superintendent of Mines was an important position as it was essential that the mineral development be orderly. The office itself was a promotion for Pearce in that he would now be directly under the Deputy Minister and no longer subordinate to the

Correspondence between Sir John A. Macdonald and Henry Hall Smith over the latter's appointment to the Lands Board as a reward for the Smith family's organizational work for the Conservative Party in Bruce County, Ontario, Smith Papers (PAC), April 25, 1884; June 17, 1884; June 30, 1884; Macdonald Papers (PAM), March 3, 1881; April 25, 1884; July 22, 1884; June 2, 1886.

Commissioner for Dominion Lands.

Pearce accepted the offer with great alacrity particularly as the new office was to be established in Calgary. He had visited Calgary in September, 1883 when he had investigated the settlement conditions arising from the arrival of the railway on August 11. In the ensuing weeks the railway brought a steady stream of settlers to the junction of the Bow and the Elbow Rivers where they took up unsurveyed lands adjacent to the railway tracks and river banks. He was so impressed by the view of the mountains to the west that he decided that as soon as he was able to take up land he would make Calgary his home. From the commanding heights of the foothills the view up the Bow Valley was so beautiful that he resolved to use his powers to preserve the panorama for future parkland. His desire to reserve all the lands along the river banks and the islands in the rivers for parks was frustrated by the
55
prior claims of several squatters. He did however manage to reserve from settlement the Islands of St. George, St. Patrick and St. Andrews and a boulevard 200 yards wide along the north bank of the Bow River though he was unable to reserve a boulevard along the south bank of the Bow as

well. These reservations were the beginning of Calgary's park system and are today immeasurable assets.

Having settled the matter of the appointment of Pearce to the Superintendent of Mines and prior to visiting the foothills Burgess had spent a week in Winnipeg investigating the Lands Board. As he had suspected Walsh had spent all his time interviewing prospective settlers and the real power behind the Board was Pearce. He was pleased to find that land matters were promptly disposed of and the officials of the Outside Service courteous and capable. He had found the settlers he met "well satisfied" with the work of Pearce whose enforcement of the land regulations had been consistently liberal in the best interest of the ⁵⁶ bona fide settler and he noticed a "healthy tone" in meeting the requirements of the land law which had he agreed resulted in a great deal of odium being placed on the lands establishment from the more vocal elements of the townsmen whom Pearce had denied homestead rights. The Department of the Interior however had anticipated this and chose to ignore their complaints. Now that order had been imposed he felt the Lands Board would likely be blamed for not enforcing the land laws sooner.

In relation to the Prince Albert investigation

Pearce had his Minister's support in his decision to delay investigations of the "old settlement" claims until the surveys were completed and township maps were available.
 Accuracy could not be sacrificed to expediency⁵⁷ nor would the government be forced into acting prematurely when its officers were in the right. Burgess heartily endorsed Pearce's Prince Albert report and gave it his unqualified approval.

On the completion of his inspection of the Lands Board Burgess took Walsh and Pearce with him to Calgary and the mountains to view the development of the foothills area and to acquaint Pearce with his additional responsibilities as Superintendent of Mines.⁵⁸ On their arrival at the railhead in the mountains Burgess became so enthused over the prospects of timber and mining developments that he hired a lumberman to travel over the path of the track as far as Golden and make an estimate of the value of timber in the Railway Belt.⁵⁹ He also wanted an estimate of the

57

Ibid., Pearce's report, pp. 14-18.

58

Interior Report, 1884, Part, VI, p.7.

59

The Railway Belt consisted of a corridor of land on the mainland of British Columbia granted to the Crown for the purpose of constructing the Canadian Pacific Railway with a proviso that the Crown could set up Dominion Parks within the 50 mile Belt. Statutes of British Columbia. Cap. 14, 1884.

extent of mineral deposits in the Belt that would accrue to the Dominion Government and he decided to have Pearce make a report on this as soon as the "old settlers" land claims were disposed of.

In the course of their travels the three senior officials held a meeting with the miners in Silver City (Banff) and again in Calgary where the men were able to meet the Superintendent of Mines and to bring their grievances to the government's attention.⁶⁰ Burgess had also wanted to inspect the ranching country in southern Alberta but a fall from a horse left him convalescing in Calgary for three weeks while Walsh and Pearce rode over the southern ranges. The accident occurred when the three were fishing and Burgess attempted to return to camp riding bareback. He fell off his horse and as he described it "ploughed almost enough land with his shoulder to entitle him to a homestead patent".⁶¹

While convalescing in Calgary Burgess was treated to a sample of the reporting of the western press which stated that many disgruntled settlers felt the Surveys Branch had purposely ignored the Calgary region and that the real reason the surveys were not finished was that the government

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Interior Report, 1884, Part, VI.

61

Idem.

intended to take their land away and give it to the
 Canadian Pacific Railway.⁶² In doing this the press
 overplayed its hand as nothing could have been further from
 the truth. Burgess had only recently commended the
 surveyors for their efforts in surveying 27 million acres
 of land within the township grid during the 1883 season
 and he knew how hard his men had worked to accomplish this.
 The charges were so blatantly false he chose to ignore them.
 This attack convinced Burgess of the irresponsible nature
 of the western press and made him wary of ever entering
 a newspaper debate with such unscrupulous editors.⁶³
 Convinced of the unprincipled use of the western papers
 and firm in the belief that he could never have the
 department's replies accurately reported there Burgess
 dismissed it from his mind. The continued neglect of the
 western press by federal government officials was unfortunate
 as their silence lent validity to the newspaper charges.

When Burgess returned to Ottawa, Pearce left for
 Edmonton to complete his inspection of the settlement claims
 there prior to assuming his duties as Superintendent of
 Mines. He arrived in Edmonton on July 1 and found that he

62

Burgess to Sir John A. Macdonald, June 30,
 1884, Macdonald Papers, (PAC), 80298.

63

Interior Report, 1884, Report of the Deputy
 Minister, p. 11.

would have to deal with about 240 cases of which only 30 involved disputes over boundaries. Here, as in Prince Albert, Pearce was surprised to find so little disagreement over land ownership as the community had kept its members⁶⁴ land rights inviolable until title could be granted.

In 1882, Mr. M. Deane, D.L.S., had carried out the first official settlement survey of Edmonton. He had been ordered to consult Pearce for advice on how the survey should be conducted. Pearce suggested he should not make a definitive survey but merely locate the improvements made⁶⁵ by the settlers. Thus when the Lands Board investigated the townsite to make final land allocations equity could be taken into account. In no case was Deane to give the impression that the survey implied government recognition of a claim or the grant of title to land. Urged on by local townsmen Deane exceeded his authority with the result that the townsmen concluded they had in fact been assured of title to the land they occupied and many of them promptly subdivided their holdings into town lots and sold them. When Pearce arrived in 1884 to adjudicate the original land claims the process of subdivision had been carried to the

64

William Pearce, "History of Manitoba, Saskatchewan and Alberta", MSS, WPP, file 19.12.

65

Idem.

point where in most cases it was irreversible and he had
 no alternative to accepting the status quo.⁶⁶

Despite Deane's bungling there were only two major instances of disputed claims, both of which were to prove a dilemma for Pearce. These were boundary disputes between the Hudson's Bay Company and the settlers on lots 6-18 east of the Hudson's Bay Company reserve on the north bank of the Saskatchewan River, and between the claimants to lots 7-11 on the south bank.

The dispute on the north bank arose from the positioning of the lot lines. Whereas the Hudson's Bay Company had insisted upon their right to north-south boundary lines the claimants to lots 6-18 had placed their front line on a north-east angle roughly paralleling the river's course.⁶⁷ In the spring of 1872 the settlers had marked off seven claims ten chains wide along the river bank. They then ran the side lines of their claims in a north-west direction, perpendicular to the river's course. When the Hudson's Bay Company asserted their right to north-south lines in March, 1873 the lots adjacent to the reserve were cut off in their rear forming triangles. It

66

Idem.

67

The Edmonton land claims, WPLB PA Claims, passim., pp. 538-558. The 3,000 acre Hudson's Bay Company reserve had been surveyed in 1873 by W. S. Gore along prescribed north-south lines. Today this area is bounded by 101 street on the east, 121 street on the west and lies between the North Saskatchewan River and 127 avenue.

would have been simple then to merely re-arrange all the lot lines north and south but this was not done and subsequent subdivision had placed buildings and other improvements across the recognized north-south boundaries. In 1875 William McGillivray, the original claimant to lot 12, gave up his claim and Richard Hardisty on lot 10 and Donald McLeod lot 14 divided his lot equally. Hardisty, the Hudson's Bay Company factor, wanted the division to be made along north-south lines but McLeod would not agree to the re-arrangement as it would push much of Donald McDonald's land on lot 20 into the river. The matter rested unresolved. In 1878, W. F. King of the Special Survey noted that most of the claimants were now agreeable to a north-south survey but in 1881 when the claimants contracted for a private survey of the land the Rowlands on lots 16 and 18 would not accept this and refused to pay their share of the survey because it was not certified by the government. That fall the land boom started in Edmonton and the Hudson's Bay Company lots were sold during April and May of 1882. In the heat of the land rush it is understandable why the original claimants demanded a certified survey that would permit subdivision of their claims into town lots and enable them to join in the frenzied land speculation. They persuaded Deane to run the survey despite Pearce's advice to leave the matter for the jurisdiction of a land court. Deane used the

original north-west lot lines. As a result the settlers believed the original lines were officially recognized and began to sell parcels of land.

As it stood in 1884, Pearce wisely decided to change as few of the lot lines as possible. But he could only do this if all the claimants would agree on their boundaries. If any one of them insisted upon the legal boundary lines he would be bound to recognize their wishes. He hoped he would not be placed in the quandary of having to decide the direction of the original lot lines as a re-alignment along north-south lines would throw the settlement into hopeless confusion. His decision to accept the status quo was practical and it almost worked but John McDougall acting as trustee for the Methodist Mission and his brother David, claimant to lot 8, although not insistent upon north-south lines demanded an equal area of land to that given to those on lots 10-18. Pearce promised to take some land from the rear of lots 10-18 to bolster the areas of the McDougall lots. To do this he used Rat Creek as a cut off for the rear lines behind which the regular grid survey had been made. He was able to accomplish this without any complaints as he found the claimants did not care so much for their rear areas as all they really desired was title to the valuable town lots fronting on the river.

Pearce was prepared to recommend immediate patent

for the claimants of the disputed lots if agreement on the boundary lines could be reached. This would have given legal status to the subdivision into town lots and permitted subsequent land transactions which now held no status under law as long as patents were denied. The stubbornness of the McDougalls in not accepting Pearce's plan forced the Lands Board to set their lot boundaries arbitrarily.⁶⁸ Pearce's decision was to cause many appeals by the McDougalls against his ruling. These carried on long after Pearce left the government's service.

The south bank dispute centered about rival claims to the area encompassed by lots 7, 9 and 11. Although the existing arrangement under Deane's survey, whereby John Walter had been allocated only 120.88 acres compared to 235 acres for McDonald and 269 acres for Garneau, had satisfied the three claimants, Pearce was determined not to let Walter be denied an amount of land equal to that claimed by the others. They were all technically guilty of squatting on public lands and thus they had no prior claim to these lots. Pearce was therefore determined they would share the land equally. None of the three claimants to these river lots could in any way have been considered settlers⁶⁹ but they had all contributed

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WPLB PA Claims, pp. 548, 753.

69

Walter was the owner of a blacksmith shop and waggon making establishment and had large timber interests. McDonald and Garneau were freighters.

so much to the development of the settlement that Pearce was willing to hear their claims. They had all taken up their lands at the same time in 1870 but the value of improvements Walter had made to his lot since then was⁷⁰ double that of either of his neighbours. If the value of improvements was to be used as the criterion for land claims then his lot should not be smaller than the others but double their size.

At the time of Deane's survey however the three men had signed a document agreeing to the unequal acreages. Walter made no fuss over the unequal disbursement after Deane told him that he was lucky to get what he did as he certainly was not a bona fide settler in the eyes of the⁷¹ Lands Board officials. Walter, an easygoing good natured and hardworking man, told Pearce he had always felt the government would do him justice and get him his 160 acres in the end. In the meantime he had not questioned Deane's

70

The Edmonton South Bank Dispute

	<u>Claim</u>	<u>Buildings</u>	<u>Breaking</u>	<u>Fences</u>	<u>Total</u>
Lawrence					
Garneau	Lot 7	\$250	\$175	\$200	\$625
John Walter	Lot 9	\$1,260	\$100	\$150	\$1,510
Joseph McDonald	Lot 11	\$355	\$40	\$100	\$495

WPLB PA Claims, p. 619.

71

A signed affidavit giving the history of the claims dated September 8, 1882, WPLB PA Claims, p. 619.

decision lest the Lands Board investigate the matter, with the probability that it would cancel all three claims for non-compliance with regulations.

To complicate matters further Garneau had ceded five acres of his large claim to the Roman Catholic Mission. This land was at the top of the hill on his south-east line next to Walter's claim. Pearce took this as evidence that Garneau had far more land than he in fact needed.⁷² Garneau, he reasoned, could therefore afford to give Walter some of his land to balance the areas. Pearce decided to take four chains from Garneau's eastern border and put it onto Walter's lot to raise it to 155 acres and reduce Garneau's total claim to 235 acres, the same size as McDonald's. In no way would the transfer interfere with the mission's lands but Father Leduc, the business manager for the Roman Catholic Church in Alberta for the region south of the Athabasca River, jumped to the conclusion that the Church was to lose its title to the land through Pearce's interference. A warm controversy ensued between him and Pearce over this misunderstanding. At one point Leduc charged Pearce with racial prejudice in favour of the Scotsman Walter against the half-breed Garneau and complained to the Department of the Interior. Pearce's decision stood and years later

Father Lacombe looked into the file on this case in Ottawa and, finding Leduc to have been in the wrong, requested that he apologize to Pearce for his conduct. Leduc shook hands with Pearce but continued to say publicly that Pearce had bested him and the Church in certain land dealings.

Two other minor matters briefly engaged Pearce's attention during his Edmonton investigation. In the first Donald Ross, claimant to lot 4, asked that the boundary between his lot and lot 6 be placed at the top of the river bank so that he could mine for coal into the face of the cliff. He had a road to his mine which he wanted to protect and which would lead from his hotel on the bottom lands to the top of the bank. The Methodist Mission on lot 6 insisted the line be left at the bottom of the cliff where it was in Deane's survey. The actual location of the line was of no concern to Ross as long as his road and access to his mine were guaranteed. When Pearce informed him that legislation of the North West Territorial Council already guaranteed the right of way for his road and that under federal mining regulations his right to drift into the face of the cliff for coal was secured he dropped his demands for a boundary change.

The second case was similar to the first. William

Humberstone wanted to open a drift 120 feet long into a coal seam in the face of the north bank of the river south of lots 10-14. He had arrived in the settlement in 1880 and he claimed to have bought half a quit claim to lot 12 from Edward McGillivray, its original claimant, for \$25. The Edmontonians considered him a trespasser. McGillivray, they agreed, had hardly spent any time on lot 12 but had left it to take up lands five miles downstream on what was now lot 34. As soon as he had left McLeod and Hardisty had divided his claim between them. They were so certain that McGillivray had no basis for a squatting claim they had subdivided the land into town lots which in 1883 were in prime demand. The fact that settlers bought these lots would indicate that the settlement did not consider McGillivray's claim valid.

Upon his arrival Humberstone had set up a house valued at \$200 on what he considered was his land. He did this at night despite threats from the local vigilante committee that they would set it on fire and throw it
74
into the river. They did not do so for no one took his claim seriously and as it turned out neither did he. What he really wanted was the right to mine for coal. He had already built a road down to his mine at a cost of some

\$200. As in the case of Donald Ross Pearce was able to assure him that his right of access as well as his right to mine were both protected by law. Humberstone later secured the bottom lands of lot 20 from Kenneth McDonald for a brick and tile factory.

The remaining 227 claims were of a routine nature. For these Pearce used the same criteria he had used at Prince Albert except that the effective date of change in pre-emption price was set back an additional month to July 1 because of the greater distance Edmonton was from Winnipeg. By the end of July Pearce had taken evidence on most of the Edmonton claims and in the company of the
75
Edmonton Lands Agent Gavreau he prepared to leave for Battleford.

Again much to his disgust he discovered that the township maps promised him were not yet available. He wired Ottawa to forward the Battleford plans post haste as well as those for the outlying districts in the Edmonton region at St. Albert, Lac St. Anne and Fort Saskatchewan. He proposed to visit the latter settlements on his return from Battleford and in this way complete the work of his commission before the fall.

Pearce and Gavreau arrived at the Battleford settlement, situated at the junction of the North Saskatchewan and Battle Rivers, on August 7.⁷⁶ The settlement had been established by an Order-in-Council February 20, 1876 when a townsite reserve of 16 square miles was established on the south bank of the Battle River at Telegraph Flats. Then all land for a distance of two miles from the telegraph office had been reserved from homestead settlement. In addition railway reserves of some 20 miles on either side of what was then the proposed main line of the Pacific Railway were made along the telegraph route which was assumed to precede the railway. These reserves were withdrawn in 1879 as a result of a change in government policy towards financing the Canadian Pacific.

The actual settlement remained small owing to the better agricultural capabilities of lands to the northwest.⁷⁷ As the total number of claimants in the townsite was therefore limited Pearce decided to proceed using a map drawn up by Mr. R. C. Laurie, DLS, a townsman. There were

76

Report on the Battleford claims, August 16, 1884, WPLB PA Claims, p. 748, passim.

77

The Mounted Police at Battleford had been unable to take a favorable crop of hay from the sandy soils about their post. Their failure led to a dispersal of settlement.

only three types of claims to be judged, those of settlement prior to the railway belt and townsite reserves made in 1876 which were valid, those of illegal squatters on the reserves during the time of their existence, which were therefore not valid, and those of claimants to reserved land occupied after the reserves were withdrawn in 1879. In the case of those who had settled prior to or subsequent to the period of the reserves it was merely a matter of identifying their claims and recommending they be recognized. But the claims of those who squatted on the reserves when law-abiding settlers had moved off were not to be met.

When the townsite reserve was made most of the squatters had moved two miles distant from the telegraph office.⁷⁸ Once outside the reserve they took up the usual homestead and pre-emption claims. Only six men took up lands within the townsite boundaries⁷⁹ during the period of the reserve trusting in a benevolent government to give them title to these choice lands at a future date. These men were A. McDonald, general merchant; Scott Robertson,

78

Battleford Investigation, WPLB PA Claims, pp. 748, 826-857.

79

Unfortunately in 1884 no one knew where the telegraph office had been located at the time of the reserves being established and therefore Pearce was never certain where the townsite boundaries actually were.

general merchant; N. Antrobus, N.W.M.P. officer; W. M. Herchmer, N.W.M.P. officer; W. J. Scott, telegrapher and postman; and Hayter Reed, Indian Agent. In March, 1882 three years after the cancellation of the reserves they entered into a plan to gather the remaining lands between the forks of the rivers into their hands for a new townsite. This land was well within the original government townsite reserve. Some said the new townsite came about as the result of a keg party where the stipendary magistrate, Colonel Richardson, had blessed their scheme and jokingly given the conspirators the right to sue for trespass on their imaginary townsite. After the party the six men faced by the prospect of the ridicule of the settlement decided not to back down but to proceed with
80
their plans.

They promptly laid out their townsite in town lots 100 feet long and 50 feet wide which they put up for sale at \$50 each with the proviso that whoever bought one lot and placed a house on it would receive the adjacent lot free. Fortune favored them when that spring the Battle River flooded the low lying lands at Telegraph Flats. This resulted in most of the townsmen moving to the higher ground of the new townsite and purchasing lots from the

speculators. Scott used the flood as an excuse to move his telegraph office onto the new townsite and as his office was also the post office his move brought most of the businessmen with him. This effectively captured the townsite for the conspirators. Then to further consolidate their coup they gave five acres of land to each of the Roman Catholic and Protestant churches and to E. A. Prince and Company for a grist mill. It appeared that their promotion would now bear fruit as the government would be faced with a fait accompli and would not dare to change their arrangements.

In 1883 government surveyors working on the township grid arrived and subdivided the lands within the old and new township along the recognized north-south lines. This gave the government 1,000 lots at the old townsite at Telegraph Flats and 5,200 lots between the forks of the river. The government surveys cut across the conspirators' lot lines and placed newly constructed town buildings on streets and lanes. The government survey placed all the holdings in the new townsite in jeopardy. Since then the conspirators had made a concerted effort to persuade the citizens to ignore the government surveys.

Pearce was determined that the group would not profit from their actions. He had recognized the status quo of the town lots in Edmonton because the original claimants

were bona fide settlers but four of these men had been and still were government agents. By their actions they had brought the government service into disrepute. They had taken up squatters' claims within the townsite reserve in full knowledge that their course of action was illegal. Pearce would not tolerate a situation in which these men would make financial gain at the expense of those who had obeyed the government's original removal orders.

Pearce, however, recognized that the new townsite was superior to that at Telegraph Flats and in their efforts to sell their lots the conspirators had in fact been of service to the community. He also recognized that some of the conspirators had made improvements to their lands that were worthy of notice. Macdonald had erected buildings valued at over \$5,500 and had put in \$100 in fencing while each of the others had made improvements worth approximately \$600. In addition the six had put a considerable sum into having their townsite surveyed. Despite his personal feelings towards them, Pearce gave them credit for what good they had done in making his decisions regarding their claims.

In his report Pearce recommended that Macdonald receive 24 town lots free, Scott 3 free lots, and the others one lot each except for Hayter Reed who because of lack of improvements was not to receive a free grant. Their claims to the townsite were completely denied. The townsite was

government property and it would be the government who would gain financially from the sale of town lots. As to the townsmen who had purchased lots in the new townsite Pearce recommended they were to receive title to their lots at half the government upset price provided they had made at least \$250 improvements on them. This concession was made because some of them had already paid the conspirators and Pearce did not want them to suffer unduly for their ill-advised action. Although their houses were now on what were streets and lanes according to the government survey Pearce told the townsmen not to worry over having to move their buildings as from his observations most would need re-construction before any boundary disputes would arise. They were to make certain that when they rebuilt they would align themselves with the government survey. When he left Battleford on August 17 all parties appeared to agree that the government survey would stand but Pearce urged the government to arrange to sell as many town lots as possible in the near future to prevent the conspirators from reversing this agreement in Pearce's absence.

He and Gavreau returned to Edmonton to find the north bank dispute unresolved. Pearce still preferred an amicable agreement among the claimants to an imposed settlement by the Lands Board but he now found the parties to the dispute further apart than before. While he was in

Battleford Frank Oliver, editor of the Edmonton Bulletin and a leading western Liberal, had become personally involved in the north bank dispute. When Pearce had set Rat Creek as the back line for the disputed lots he had divided the rear lines on the creek into segments proportional to the frontage of lots 6-18. Then he had drawn the side lines back to the creek. This had resulted in minor shifts of the side lines and small changes in the acreages of the original lots. One of the lots affected by this shift was Oliver's and he protested the shift in line as interfering with his improvements. He expected the government to protect his property rights and told Pearce that as his improvements had been put up with the concurrence of McLeod on lot 14 he supposed that Pearce would recognize them. Pearce said he would try to arrange an understanding with the others involved but failing this Oliver would have to remove his fence from what was now McLeod's land.⁸¹

Oliver who had purchased the first town lot in Edmonton for \$25 in 1878 felt he was the aggrieved party and demanded that Pearce uphold the rights of settlers such as himself.⁸² In 1882 he had been instrumental in

81

Pearce to W. Scott Robertson, September 3, 1884, WPLB PA Claims.

82

William S. Waddell, "The Honourable Frank Oliver," unpublished M.A. thesis, University of Alberta, 1950, p. 13.

establishing a vigilante committee to protect the townsmen's property rights. Its efforts had resulted in at least one claim jumper's shack being set on fire and then pushed into

the North Saskatchewan River.⁸³ Now, after all of his efforts to keep property rights inviolate, he was being asked by a government bureaucrat, who had no stake in the community, to take down his fencing. At the same time

Oliver, though not a farmer, had applied to homestead and pre-empt farm lands outside the Edmonton townsite.⁸⁴

Because he was not a farmer Pearce recommended he not be granted any free homestead nor was he to receive any of the school lands he had taken up. Like the other townsmen⁸⁵ he could pay \$2 an acre for lands he desired.

Oliver was incensed at Pearce's decision. Since the first issue of the Bulletin in 1880 he had been a critic of the government's western policies. He opposed the monopoly clauses of the Canadian Pacific Railway's charter and the railway's large land reserves because he did not believe that the Northwest Territories should alone bear the

83

Ibid., p. 42.

84

Interior Records, 87531.

85

Pearce to Oliver, September 8, 1884; Pearce to Walsh, September 9, 1884, WPLB PA Claims.

86

burden of Macdonald's National Policy. He began a crusade to uphold the rights of the squatters against eastern business and the government bureaucracy. He demanded a free choice of lands for all westerners and he attacked the Dominion Lands policy with unrestrained vigor. Until 1883 he had taken a non-partisan stand against everyone in authority but when Blake questioned the wisdom of the extensive railway reserves Oliver began to back the Liberal opposition.

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Now he had personal experience at the hands of William Pearce of the government's arbitrary disposition. It did not concern him that Pearce's recommendations conformed to established principles. Oliver saw himself not only as another western settler abused by the government but as one who, right or wrong, had the means to make the weight of his opinion felt. Through his newspaper Oliver set out to make life as disagreeable as possible for Pearce. He quickly became a thorn in Pearce's side and from this point on he used the power of his paper to bring about his dismissal from the civil service. Through his editorial comments in The Bulletin he was able to enlist the sympathy of other townsmen who felt that a garden patch and a tent

86

Ibid., p. 26.

87

Ibid., p. 51.

or shanty should give them homestead rights. His campaign was aimed at changing the government's homestead policy and forcing Pearce to resign from the Lands Board.⁸⁸

Pearce was sensitive to Oliver's press attacks. He placed the highest value on his own integrity. He had already instituted a libel suit against the editor of the Brandon Sun⁸⁹ over comments made about his honesty in that paper. Now because he proposed that the settlers on the north bank settle their boundaries amicably amongst themselves rather than by a settlement imposed upon them Oliver was accusing him of incompetence and maladministration. Oliver's men now had the settlement up in arms. To Pearce those of Oliver's class were the worst white people one could meet on Canadian soil.⁹⁰ He claimed that there was more whiskey drunk per head in Edmonton than anywhere else in the Dominion while the chief occupation of the townsmen appeared to be causing trouble with one another and stirring

88

The March 28, 1885 edition of Oliver's Bulletin carries his platform in a number of editorials aimed at government agencies among which Pearce and the Lands Board played a prominent role.

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See above pp. 58-61.

90

Pearce to Burgess, July 27, 1884, WPLB Private, 1883.

up rival elements in the community. He termed the Edmonton townsmen toughs who made things "nasty for the few nice people". These ruffians seemed to him to be bent on becoming unreasonably boorish.⁹¹ Oliver's outrageous demand that every westerner should receive free one square mile of land as a reward for venturing beyond the frontier could not in any way be entertained.

Publicly Pearce chose to ignore Oliver's diatribe. In the latter part of August he set about completing the work of his commission by investigating⁹² the land claims at St. Albert and Fort Saskatchewan. At St. Albert he was aided in his work by the Roman Catholic priests. In both places his work went so smoothly that he was ready to leave the Edmonton district early in September.

On September 15 Pearce returned to Calgary to prepare the schedules of all the claims arising from his investigations and then to take up his duties as the Superintendent of Mines. In the past eight months he had investigated all the long standing land claims on the periphery of the plains apart from the isolated settlements at Lac La Biche and Fort Victoria. Every case had been fully

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Idem.

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WPLB PA Claims, pp. 909-928.

documented in a special file and each claimant had been subjected to a thorough examination so that in effect a detailed personal history of each individual had been taken and signed. The effort involved in compiling these personal histories was great but in future the files were to prove their worth to Pearce in defending himself from an ever increasing volume of abuse from the western press as well as criticism from some of his superiors.

Throughout his investigations Pearce had been consistently liberal in his interpretations of the lands regulations towards claims put forward by the bona fide settler and his rapport with the settlers was excellent. The same could not be said for his relationship with the townsmen. But even here he was as liberal in handling their claims as his conscience would allow. He would not, however, tolerate either the irresponsible actions of government agents involved in land speculations or other individual attempts to make illegal profit from the Public Domain. Because of his resolve to deny unearned profits to the speculative elements on the frontier he had run afoul of the more aggressive and most vocal newcomers, men capable of exerting pressure on Pearce through the western press and government lobbies.

To the credit of the Department of the Interior and of Pearce himself such pressure was in the long run ineffective. Initially, however, continuing criticism of

Pearce and the Lands Board in the press caused the Prime Minister some concern. To the extent that the western press created public opinion, its active opposition to the operations of government agencies such as the Lands Board could diminish popular support for the Conservative Party. Although Macdonald knew that Pearce was carrying out his work with energy and efficiency he could not help but deplore his lack of tact in dealing with the public.⁹³ He should have put down these men firmly but kindly and Macdonald cautioned H. H. Smith, who replaced Pearce as the Inspector of Lands Agencies, to try to maintain better public relations with the townsmen so that he would not provide ammunition for the Liberal opposition and thus become an embarrassment to the government.⁹⁴

Pearce was aware of Macdonald's criticism of his methods. He also knew the fate of civil servants who became a political liability. He wrote to Burgess explaining his feelings. He knew he could have been the most popular official in the west had he shut his eyes to the land manipulations of the speculators and townsmen but this his nature would not permit. His manner might be gruff but on

93

Macdonald to Smith, April 25, June 17 and June 30, 1884, H. H. Smith Papers (PAC).

94

See p. 112, n. 56.

the frontier he doubted that the niceties of the East would have any effect. The speculators deserved the treatment they received even though his "callous" manner had caused a growing uneasiness amongst senior department officials. He had consistently acted to implement government policy in the only way he knew how. Though he might have been oblivious of the implications of his actions on the political plane his superiors in Ottawa were removed from the realities of the frontier where he felt decisiveness was a virtue. In deference to their views he promised, as he was so often to do in the future, to moderate his manner but his character was such that he quickly resumed his old ways.

CHAPTER IV

THE SUPERINTENDENT OF MINES

1884-1886

Pearce's administrative duties as Superintendent of Mines were light. He was not directly involved in the process of granting mineral leases or in any of the technical matters that surround the mining industry, as these were the responsibility of the Inside Service. In 1883 coal mining, by volume the largest mining operation in the Northwest Territories, was placed under special administration outside the jurisdiction of the mining regulations¹ which were drawn up to control the development of more precious minerals such as gold and silver. This action had been taken to free the Superintendent of Mines from the routine supervision of this extensive industry so that he could devote his energies solely to the regulation of the anticipated gold rush in the eastern Rockies. Aware of the frenzied activity that had accompanied gold rushes throughout the world and recently along the Fraser River in 1857 the Minister of the Interior made the

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The 800 coal mining applications in 1883 indicate the extent of interest in this industry within the Northwest Territories. Interior Report, 1883, Report of the Deputy Minister, pp. ix-xxii.

regulation of such a rush Pearce's prime responsibility.

Until the expected gold rush began Pearce had little to² do.

He accordingly left for the mountains on October 20 to meet the miners and to acquaint himself with their needs and the problems of the mining industry. The major objection the miners had to the government's mining regulations was the stipulation that all the claims be³ defined along north-south boundaries. The Department of the Interior had thought that this would help to regularize the claims during a full scale rush and would be essential to sorting out disputed mining claims following a strike. The miners, however, wanted to stake their claims in the direction of the vein. In this way they could position their 40 acres in such a manner that they could follow their strike to a maximum depth of 1,700 feet. The miners had discussed the regulations with Burgess and Pearce in June at Silver⁴ City when the Deputy Minister had promised he would accede

²
Interior Report, 1884, Report of the Superintendent of Mines, p. 15.

³
A draft mining regulations April 9, 1883, Interior Records, 61792.

⁴.
See above p. 114.

5

to their request. They now asked Pearce to press the change on Burgess. Pearce advised his superior that in his belief the shape and direction of the claim were immaterial as the object of the regulations was to prevent disputes and this could only be done by the proper marking of a claim regardless of the direction of its boundaries. The insistence on north-south boundaries only worked a hardship

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on the miners. In this instance Pearce's recommendations had little effect on government policy because the required modifications to the mining regulations designed to meet the miners' needs had already been drawn up.

The growing amount of mining exploration within the foothills region increased the concern of government officials over the imminence of a strike but until it occurred Pearce's duties were far from onerous. Meanwhile he gradually assumed the role of a trouble shooter for the Minister of the Interior. As the recognized authority on the West

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he was entrusted with many important and often unrelated tasks pertaining to the government's activity.

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Interior Report, 1884, Part vi, The Deputy Minister's report of his western tour.

6

Interior Report, 1884, Report of the Superintendent of Mines, pp. 15-16.

7

Macpherson to Sir John A. Macdonald, March 9, 1885, Macdonald Papers (PAC), 112835.

He was now asked to conclude his interviews with the miners as quickly as possible and then to proceed along the "Railway Belt" across British Columbia to Victoria to carry out the first official survey of the resources of the 40 mile wide corridor. His inspection of the 3,500,000 acre tract was prompted by the actions of A. W. Vowell, Provincial Stipendary Magistrate and Gold Commissioner for the Shuswap District in British Columbia, who had proclaimed all the minerals in the Belt to be within provincial jurisdiction.⁸ Burgess was most anxious that Pearce should meet the provincial officials in Victoria to ascertain their views and to make known the federal claim. There was a distinct possibility of a federal-provincial confrontation over mineral claims in the Belt unless ownership of title was clarified prior to any valuable mineral strike.

Pearce enjoyed his journey to the Pacific, on foot from the summit of the Rocky Mountains to Revelstoke and thence by a variety of modes of transportation to the coast. Removed from the harrying task of investigating land claims and from his concern over press criticism he immersed himself in the excitement of exploring new regions. He was awe struck at the beauty of the mountain scenery and

he contemplated prospective park sites which he planned to reserve from settlement. These were to be held in trust by the government for future generations of the people of Canada to enjoy.⁹ He was also impressed with the fine, if limited agricultural prospects of the bottom lands bordering the westward flowing mountain rivers. In particular he forecast the growth of an orchard industry along the banks of the South Thompson River near Kamloops if irrigation were further developed. He made a rough estimate of the timber resources of the Belt whose potential astounded him. As he commented in his report he had previously viewed trees of one foot diameter as good timber but in the Selkirk Mountains anything under three feet was considered "scraggly".¹⁰ He urged Burgess to send qualified lumbermen to make an inventory of the valuable stands of Douglas fir, white spruce and cedar.

He did not find extensive mining activity in the Belt but there were a few claims scattered along some of the rivers and an attempt had been made at placer mining on the Columbia River. He met the British Columbia Deputy Gold Mining Commissioner, Mr. E. Redgrave, at the mouth of the

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See below pp. 180, 183.

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Pearce's official report of trip through the Belt, December 2, 1884, WPLB PA Claims, pp. 307-349.

Kicking Horse River where he and his sons had with 200 others staked gold mining claims without regard to direction of their boundaries and without the aid of surveys. Redgrave was not overly concerned by the jurisdictional dispute between the two governments but Pearce was alarmed at what would ensue if a rich find were made. He advised the owners of the "helter-skelter" claims to file under both federal and provincial regulations until the question of title could be clarified. He warned them that failure to do so would leave their claims open to dispute and if they filed incorrectly the possibility of subsequent loss. In order to locate the claims with some degree of accuracy Pearce suggested using the railway telegraph the next season to locate every second degree of longitude along the rail line and with the calculated latitude to construct a modified grid system on the flatlands in the Belt in conjunction with a stream basin survey for the more inaccessible high lands.

In Victoria Pearce put forward the federal government's claim to ownership of the mineral rights within the Belt to Premier Smyth and the provincial lands officials J. W. Trutch and H. B. Aickman.¹¹ The Premier replied

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Trutch had been retained by the Minister of the Interior as a Resident Agent for Canada in 1879 and he now termed himself Commissioner of Dominion Lands within the Railway Belt. Aickman, formerly the provincial Registrar-General of Lands, had been taken on as Trutch's assistant in 1880, WPLB PA Claims, A memorandum, n.d., p. 777.

that under the British North America Act, section 109, provinces that entered confederation were permitted to retain their mineral rights. Smyth indicated to Pearce that the province was ready to contest the title to the precious minerals through the courts step by step to the British Privy Council if need be.¹² Although Pearce did not press his view he told Smyth that he would continue to advise all the miners he met to have their claims registered through a Dominion Lands Agent. He was anxious to have the matter settled quickly because under provincial law proxy claims were recognized and he had observed on his journey that railwaymen were taking advantage of this to make wholesale claims in a disorganized fashion.

He asked Aickman to compile a list of claims in the Belt which the provincial authorities had registered under provincial regulations and to publicize by circular the need for all miners to apply for federal claims.¹³ Both Trutch and Aickman resented Pearce's

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The British Privy Council subsequently ruled that although the Dominion government held title to the minerals the government of British Columbia would administer the title rights. Interior Report, 1889, Report of the Deputy Minister of the Interior xviii; Order-in-Council, February 28, 1890.

13

Pearce to Burgess, February 16, 1886, WPLB PA Claims.

interference in what they considered to be their affairs, and would not voluntarily impart any information to him. They knew that Pearce had come to Victoria to gather as much information as possible for the Minister of the Interior but even with these credentials he failed to gain any degree of co-operation. Pearce suspected the two men were trying to play the two governments off against each other in the hope that they themselves would be asked to establish a separate
 14
 Lands Board for the Belt.

Having done all he could to put forward the federal claim Pearce returned to Winnipeg at the end of November by way of the Northern Pacific Railroad. On the train he met a Colonel S. Hudnutt of Selma, Montana who was eager to impart the information that he was the locating engineer for a group of Helena businessmen interested in building a wagon road from Sandpoint, Idaho, to the Kootenay River, which would give access to the mineral rich
 15
 Trail-Nelson region of British Columbia. The same group, which he implied had the financial backing of J. J. Hill's Great Northern, were financing the construction of a sixty foot steamboat for service north of the border. Hudnutt

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Idem.

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WPLB, 457, pp. 307-349.

boasted of plans to capture the trade of the Kootenay River basin where, he told Pearce, silver had assayed at 170 ounces to the ton. As there were also lead deposits in the region the construction of reduction works was not out of the question.

Pearce did not consider Hudnutt's boast an idle threat, for he was fully aware that a generation before the American steamer "49" had travelled from Fort Colville in Washington Territory on the Columbia River to the Big Eddy 140 miles north of the border. What had been done in 1856 on the Columbia could be repeated on the Kootenay. If Hudnutt's group succeeded they would make the Kootenay region tributary to Hill's Great Northern interests. When Pearce attempted to learn more the Colonel became suspicious and broke off the conversation.

Arriving in Winnipeg he hastened to tell his close
 16
 friend Sir William Van Horne of his conversation. He too was concerned over the American proposals and feared Canada did not have the resources to stop the move if it materialized. The prospect of American economic expansion in what Sir William considered the private preserve of the Canadian Pacific Railway brought about a flurry of activity

to quicken the construction of a waggon road south from
 its main line into the Kootenay to keep the Americans out.¹⁷
 Pearce's timely warning and Van Horne's quick action enabled
 the Canadian Pacific to maintain control of the Trail-Nelson
 region, later the basis of the railway's Mining Division.¹⁸

Pearce remained in Winnipeg on Lands Board
 business until the end of December, 1884 when he responded
 to a call from Ottawa to come down to facilitate the
 processing of patents for the land claims he had
 investigated since the previous January. Pearce was
 surprised and greatly perturbed that what should have been
 a routine procedure had been held up for a number of
 months as he believed there was absolutely no excuse for
 the failure of the Inside Service to process the Prince
 Albert claims he had sent to Ottawa the previous May.

On his arrival in Ottawa he found the senior
 administrative offices of the department vacant and the
 patent clerk, Mr. Lang, absent. The Minister of the Interior,
 Senator Macpherson, was ill with diabetes and had not been
 able to attend to department matters for some time. The
 Deputy Minister, Burgess, had been taken ill with an

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Idem.

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Idem.

undiagnosed disease and had left for the warmer climate of the United States in an attempt to effect a cure. The department was under the hand of the Secretary, Mr. Hall, who had initially asked Walsh to come to Ottawa to help him. Then evidence of fraud came to light in the patent office and as Pearce was the only available official who knew intimately the details of the land investigations Hall had wired him to come down to help sort out the files. When he arrived Pearce demanded to know why in view of the urgency of his investigations there now had been so great a delay in taking action on his findings. Hall told him that Macpherson had wished to consult the Prime Minister prior to approving Pearce's reports but owing to many factors including his illness this had not yet been done. Nor was the delay wholly the fault of Macpherson as the land patent office was now under investigation as a result of charges of fraud, blackmail and bribery brought against Lang.

The investigation into the patent office had arisen from a note from Macdonald to Macpherson in May, 1883 threatening an inquiry if land patents for the Prince Albert region were delayed any longer. Such uncalled for delays had made the public suspicious of his government's motives.¹⁹ When the patents for lands at Prince Albert

and Edmonton were not processed within reasonable time the settlers justifiably demanded action but fixed the blame for the delay on Pearce and the Lands Board. When the situation at Prince Albert continued to deteriorate Macdonald insisted on an investigation to discover the reason for the delay. This showed that the patent clerk had been party to the schemes of the Dewdney syndicate, as Pearce had warned in 1882, and that he appeared to have fraudulently betrayed his trust by changing the land deeds after their approval by the Justice Department.²⁰ In some instances he had even changed the recommendations of the Lands Board for the settlement of the old settlers' claims. When patents were received that bore little resemblance to what Pearce had promised the settler even the most ardent Conservative began to doubt the government's sincerity.

At the height of the investigation Lang asked for permission to visit his relatives in Washington over the Christmas season.²¹ From this visit he did not return.

In the absence of the senior officials of the department Pearce, Hall, Walsh and the Ottawa staff set

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See above p. 51.

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Pearce to J. S. Dennis, August 13, 1917, WPP, file 19.12.

about undoing the mischief. They were to work until 10 or 11 every evening until the lands claims were all processed. They finished their work by February 26 when the claimants to lands in the Prince Albert district were immediately notified. The Edmonton district settlers were²² informed within a fortnight.

The hectic pace and the strain of these weeks was to take its toll of the department's officials. The Commissioner for Dominion Lands, Aquila Walsh, died suddenly on March 7. He was replaced the next day by²³ H. H. Smith, the Inspector of Lands Agencies. Burgess had recommended Pearce for the office but Pearce had become a political liability and Macpherson would not consider him.

In the latter part of February the Prime Minister had asked Pearce to review all the correspondence, private and personal, he and some of his colleagues had received concerning the dangerous situation which was even then²⁴ rapidly developing at Batoche. Pearce was to see if he could discern the proper attitude the government should take

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Pearce to Burgess, January, 1886, WPLB 579;
Pearce to W. M. Davidson, April 30, 1929, WPP, file 19.11.

23

Interior Records, 106923.

24

William Pearce, "Reminiscence on Early Surveys,"
MSS., WPP, file 21.2, p. 27.

towards the Métis and their leader Louis Riel. The correspondence was voluminous and Pearce himself had contributed to its size. The previous August he had met an English speaking half-breed at Battleford called Omand.²⁵ This man claimed he was an adviser to Riel, who had recently arrived at Batoche. He told Pearce that those who followed Riel had taken an oath of secrecy and many others, intrigued by the atmosphere of mystery, had joined merely to discover what occurred at Riel's meetings. Some of the white settlers at Prince Albert were supporting Riel because they had not received justice from the Lands Board and hoped to embarrass the Conservatives.²⁶ Even then, Omand warned, the Métis were amongst the Indian tribes asking for their support in driving out the whites in order to return to the old ways of the hunt. He boasted that several Indian chiefs had already indicated their support for Riel because they were greatly displeased by the action of Indian Agent McKay at Fort Carlton in forcing the Métis out of the bands despite their marriages to Indian women.²⁷

²⁵ Pearce to Burgess, August 11, 1884, WPLB PA Claims.

²⁶ Forget to Dewdney, September 18, 1884, Macdonald Papers (PAC), 42921.

²⁷ Pearce to Burgess, September 19, 1883, WPLB Private.

Pearce saw in Omand an "excitable ignorant specimen of humanity" like those he had worked with on the Red River in 1874. He was aware of the growing unrest on the South Branch but he felt that the government must take a strong stand against the trouble makers. The Métis, in his estimation, had gotten away with murder in 1870 and as they had never been punished for that rebellion he believed they might try again. Pearce was determined that the government should not give in a second time.²⁸ Like all government agents he had been asked to forward any information on Riel to the Minister of the Interior and so had quickly informed Burgess of this meeting.

Pearce had become involved in another way in the march of events which led to the Saskatchewan Insurrection of 1885. Shortly after his arrival in Calgary in September 1884 he had been approached by Bishop Grandin and Richard Hardisty, the Hudson's Bay Company factor. They were concerned about the Indians near Edmonton at Bear Hill and Saddle Lake. Chief Peccan had already stopped some government surveys and the two men asked Pearce to help them ease the tension between the Indians and the whites. The apparent cause of the trouble was an eight year delay

in locating the Saddle Lake reserve, granted the Indians²⁹
in 1876 under Treaty 7.

In the fall of 1884 Lieutenant-Governor Dewdney, who was also the Superintendent-General of Indian Affairs, promised the Peccan band that he would visit them immediately after the meeting of the Territorial Council to remedy this³⁰ deficiency and to listen to their requests. The Indians, including some from as far away as Battleford, had awaited Dewdney's arrival for a month but he had not come. Hardisty had since learned that Superintendent Herchmer of the North West Mounted Police and his party had left Calgary for Edmonton with treaty money but that Dewdney was still in³¹ Regina and did not intend to visit the chiefs. What the Indians would consider to be a slight by the Queen's representative might lead to a general Indian uprising on the plains and a union with Riel's Métis movement. The three men were concerned over what effect the recent visit of the American Sioux to Canada after their victory over General Custer might have had on the younger members of the

29

Pearce to Macdonald, September 27, 1884;
November 24, 1884, Macdonald Papers (PAC), 42947.

30

Pearce to R. Hardisty, Peachland, December 12, 1923, WPP, file Miscellaneous.

31

Pearce to Burgess, September 22, 1884, WPLB
January, 1883.

Canadian tribes. A general Indian uprising would hold far more serious consequences than an isolated resort to arms by the Métis at Batoche and in this light Hardisty and Grandin urged Pearce to use his influence with the Prime Minister to force Dewdney to act.

Pearce was so impressed by their arguments that he telegraphed Herchmer to halt his party on the trail and he wired his views on the situation ³² to Macdonald. In response the Prime Minister ordered Pearce to go to Regina by special train to confer with the Lieutenant-Governor. As a result of this meeting Dewdney was forced to set out to join Herchmer before the Superintendent reached Edmonton. ³³ Dewdney's meeting with the chiefs helped to relieve some of the tension on the frontier. The Indians had wanted to speak to the most senior representative of the Queen and they would not have been satisfied to place their grievances before a lesser official.

Pearce's intervention widened the breach between himself and Dewdney. The Lieutenant-Governor had not forgotten Pearce's successful efforts to stop his profitable

32

Pearce to J. H. McTavish, September 25, 1884; Pearce to H. H. Stevenson, Regina Lands Agent, September 25, 1884, WPLB PA Claims; Pearce to Burgess, September 23, 1884, Macdonald Papers (PAC), 42947.

33

Idem.

land speculation during the boom years of 1882 and 1884. He was not prepared to tolerate Pearce's interference with his administration of Indian Affairs. In his annual report he berated Pearce as an alarmist. He claimed that he had intended to visit Edmonton all along and could not understand Pearce's nervousness as the Indian situation was under firm control. His report was returned with instructions to remove his disparaging remarks about Pearce. He was ordered to rephrase his remarks as the Prime Minister considered Pearce's action necessary and justifiable. Dewdney obeyed but told Burgess that he hoped the Minister of the Interior would instruct Pearce to mind his own business in the future as "it would be none the worse for it".³⁴

Now Pearce had been asked by the Prime Minister to analyze the available correspondence relating to the development of the unrest at Prince Albert and Batoche in order to advise him on a course of action. After studying the voluminous material he was unable to find any consensus of opinion. Every correspondent appeared to propose a different solution but all seemed to agree that it was unlikely the Métis would resort to arms. In view

of the conflicting advice sent to the Prime Minister by individuals in every walk of life Pearce made no precise recommendations. They would not in any case have been likely at this point to have affected the course of events.

The question of Métis unrest at Batoche was brought before the House of Commons by Edmund Blake, a leading member of the Liberal opposition, on March 23, just three days prior to the clash of arms between the Métis and the North West Mounted Police which touched off the Saskatchewan Insurrection. During a break in the tariff debate that was to take up most of the time of the session, Blake asked Macdonald to give the House a full report on the situation in the Prince Albert district. Macdonald parried the question by informing Blake that as the telegraph lines had been cut he was not certain of the disposition of the Métis but that he had ordered an additional 90 men to join the police at Fort Carlton.

On March 26, while, unknown to the members of Parliament, the fight at Duck Lake was beginning, Blake again asked Macdonald for a statement on the Métis situation. Macdonald replied that his information indicated that the Indians in the West were quiet and therefore the only problem was that of Riel and his followers whose chief complaint was over the granting of the Métis claims.³⁵

There had been some difficulty in locating the land claims of certain individuals on the South Branch at St. Louis de Langevin owing to a right angle turn in the Saskatchewan River and to the interference of a few of the claims with One Arrow's Indian Reserve.

Blake would not accept Macdonald's attempt to minimize the Métis land grievances.³⁶ Their land claims had been pending for years yet the government had been unable to issue them patents. Continued delays and procrastination were a likely cause of Métis rebellion. The matter, suggested Blake, should never have come to such a pass. Had the government promptly settled the land claims of the Métis there would now be no need to send in troops.

Macdonald chided Blake on his alarmist view of the danger to the West posed by the Métis. He reminded him that whereas in the United States uprisings had been a prevalent feature of the frontier in Canada the frontier had been passive since 1870. In regard to the government's land policy no one had ever been denied a valid claim.³⁷ Those who were so vocal in their attacks on government

36
Ibid., p. 756.

37
Ibid., p. 761.

policy were those who had pressed fraudulent claims which the Lands Board had rightly denied. Pearce and Duck had investigated the Métis land claims at Prince Albert in 1884 although the "Métis felt (he was) not sufficiently conciliatory in manner and this to some extent interfered with his business".³⁸ A commission had since been established to deal with the outstanding Métis claims in the West and to reach a final solution to them. As for Blake's charge that government agents had disturbed the Métis on their lands and in some cases driven them off, this was totally untrue. They had been told they could keep their irregularly shaped lots by the process of legal sub-division if they so desired. The lands question, Macdonald continued, was a mere trifle compared to the Métis' other complaints.³⁹ They were always grumbling about something.

At this point in the debate, Richard Cartwright

38

Pearce, sensitive to what he considered to be unjust criticism of his work, arranged to have this phrase inserted in the House records. The original statement Macdonald made is lost but apparently Pearce considered it to be an attempt by Macdonald to make him the scapegoat for political purposes. Ibid., p. 763; Macdonald Papers (PAC), Macdonald to Burgess, March 28, 1885, 200311; WPP, file 19.11; Pearce to Dr. J. Gunn, May 2, 1922.

39

Hansard, 1885, March 26, p. 764.

went to the heart of the matter when he expressed his belief that Macdonald had taken on such a heavy burden as Prime Minister, as Leader of the Conservative Party, as Minister of the Interior to 1883 and since then as its spokesman in the House, that he could not possibly handle his duties⁴⁰ effectively. He could not give his individual and undivided attention to any of his positions. Neither Macdonald nor Senator Macpherson, the present Minister of the Interior, had ever known the West. They were ignorant of the aspirations of the westerners and the government had neglected their simple needs. The failure of the government was the result of indifference.

The Opposition gave notice to Macdonald that they were far from satisfied with the government's answers and intended to press for a full investigation into the government's responsibilities for the situation at Prince⁴¹ Albert. In the ensuing weeks the entire scope of the government's western policy came under the persistent⁴² questioning of the Liberals. Every branch of the Department of the Interior came under the scrutiny of Blake's

40

Ibid., p. 766.

41

Ibid., March 30, 1885, p. 814.

42

Hansard, 1885, pp. 964, 2170, 2357-8, 3108.

43

searching questions as the opposition's spokesman
 sensed that Macdonald was vulnerable over his government's
 administration of the Territories. The possibility of
 bringing about the government's defeat urged on the
 opposition to even greater efforts.⁴⁴

Liberal questioning of the government's western
 administration centered on the seeming inability of the
 Métis at St. Laurent and St. Louis de Langevin to claim
 patents to river lots. Blake attributed these difficulties
 to the result of Pearce's decision not to include them in his
 Prince Albert investigations of 1884.⁴⁵ Whereas Pearce's
 report had been promptly processed Duck's report of the
 few cases at St. Laurent and St. Louis de Langevin had
 been buried in departmental correspondence until October,
 1884.⁴⁶ This was a prime example of the government's gross

43

Blake carried the burden of the debates on the
 North-West question. In this he was ably assisted by
 Laurier and Cartwright.

44

Pearce claimed that A. L. Sifton, a western
 Liberal, had gone to Prince Albert in June ostensibly to
 establish a law office but in reality to gain evidence on
 land matters in the district. Pearce to Dr. J. Gunn, May
 2, 1922, WPP, file 19.11.

45

Hansard, 1885, pp. 3094-3124.

46

Ibid., p. 3110.

apathy, delay and neglect of the Métis' needs.

Blake cited as another example of the government's indifference to the wishes of the Métis the decision not to grant them their river lots. The Métis did not understand the process of legal sub-division which Pearce and other government agents had suggested they use to locate their irregularly shaped claims. The government had not even deigned to reply to the petition of Father Vegreville and Charles Nolin of January 1884 to grant them river lots. Blake claimed that Pearce, whom he termed a most indefatigable officer, had urged the government to resurvey the area yet the Inside Service had chosen to ignore his advice.⁴⁷ In this the government was certainly guilty of neglect of the needs of the Métis.

In reply Macdonald evaded the main issue of delay by asserting that Blake's seven hour speech of July 48⁴⁸ had certainly brought forward the Métis case but never once had shown that their cause was just. As far as he was concerned the causes of the insurrection were far deeper than a matter of mere land claims. The Métis had never been happy over the transfer of their land from the administration of the Hudson's Bay Company nor with

⁴⁷
Ibid., p. 3124.

⁴⁸
Ibid., p. 3111-12.

the advance of settlement. Even so their complaints were similar to those the Lands Board had heard from every frontier community and the Lands Board was correct in not giving their demands undue importance.

Throughout the debates on the Saskatchewan Insurrection the Liberals challenged the government to explain the all too obvious delays in implementing its western lands policy. The inability of the government to open a registry office in Prince Albert until four years after the initial survey of the district, the delay in approving individual land patents until some twelve months after Pearce's investigation and the unwillingness to grant the Métis their river lots at Batoche were all valid bases for criticisms of Macdonald's administration.

Macdonald however was able to point to the sorry record of Mackenzie's Liberal administration of 1874-78 in the matter of railway construction and western surveys as responsible for the present predicament. The record of the Surveys Branch since his return to power in 1879 had been highly commendable while the work of Pearce and the Lands Board had been exemplary. The delay in investigating the land claims at Prince Albert was due to Russell's untimely illness and to uncompleted surveys, circumstances for which his government disclaimed responsibility.

In the meantime Frank Oliver perceived an

opportunity to capitalize on the anti-government sentiment prevalent in the West as a result of past grievances which had led to the insurrection. Oliver had been elected to the Territorial Council in 1883 and was seeking re-election in 1885. He based his campaign on the needs of the settlers whose cause he championed against eastern domination and against those in authority.⁴⁹ He saw a chance to score heavily against Pearce and the policies of the Department of the Interior at this time.⁵⁰

He chose as his occasion to incite the citizens against the government the arrival in Edmonton of the results of Pearce's investigation of the previous summer. In his Bulletin he promised to provide a voice and a vote for the settler.⁵¹ Pearce's decision to make them pay for their lands within a 90 day period was scandalous. They had held their lands for over a "decade" awaiting patent and now that they had been granted what was rightfully theirs the government insisted on immediate payment of fees and pre-emption costs. Pearce's actions in this matter he

49

The (Edmonton) Bulletin, March 25, 1885, p. 4.

50

William Waddell, "The Honourable Frank Oliver", unpublished M.A. Thesis, University of Alberta, March, 1950, pp. 36-48, 72-76; Burgess to Oliver, June 3, 1885, Interior Records, 87531.

51

Bulletin, March 25, 1885, p. 4, An editorial entitled "Electors of Edmonton".

stated were analagous to that of the "Caliph of Bagdad".⁵²

Oliver called a mass meeting of Edmontonians⁵³ for March 25 to protest Pearce's decisions. After the meeting, which the fiery editor chaired, he dashed off a telegram to Burgess listing the concerns the settlers had over Pearce's report and demanding a land court for Edmonton to adjudicate the disputed decisions. He promised to forward to Burgess a petition outlining more fully the settlers' stand.

The outbreak of the insurrection on March 26 temporarily placed Oliver's crusade in abeyance. He resumed his attack in the Bulletin of April 25 where he called for government action to satisfy the demands of Edmontonians. He suggested that the renegade Riel should be hung to the nearest tree, his death delayed only long enough to allow Dewdney and Pearce to be hung with him.

Burgess did not respond to Oliver's telegram of March 25 until June 3. He apologized to Oliver for not replying sooner, but the delay was due to the uprising and the fact that he still awaited Oliver's promised petition documenting specific instances of Pearce's wrong

52

Ibid., March 28, 1885.

53

Correspondence from Edmonton Land Agent Gavreau concerning Oliver's activities, March 27, 1885, Interior Records, 87531.

54

doing. Even though he had not yet received a detailed explanation of Oliver's assertions he would at this time try to answer them without the benefit of knowing precisely what the complaints of the Edmonton settlers were.

He pointed out that the Lands Board was a court and that the Department of the Interior had no intention of setting up a separate judicial body in Edmonton. Pearce's investigation had been very thorough as the detail of each individual claimant's personal history file showed. In addition Pearce had published in the Bulletin a notice of his visit and his intentions and upon his arrival he had driven through the district acquainting all he met with his purpose so that it was inconceivable anyone would not have been aware of his visit. In many of the cases Pearce had personally visited the ground in question to ensure the accuracy of his report, which the government considered a very thorough document. Burgess also pointed to a letter in the Bulletin from Father Leduc to Pearce, thanking him for his St. Albert investigation. In these circumstances Burgess found it hard to understand why Oliver should term Pearce's enquiry superficial. Furthermore since the report had been made public the Department had not received any complaints or objections to Pearce's work from any actual

54

Burgess to Oliver, June 3, 1885, Interior Records, 87531.

settler in the district. It appeared that most of the differences of opinion were between neighbours, not between the Board and the settler.

The principles of settlement, Burgess reiterated, were those used so satisfactorily at Prince Albert. The settlers were permitted to pre-date their entry affidavits, Pearce agreed to recognize the status quo of land transactions if the present ownership was not contested, and he had been most liberal in assessing the value of improvements. Pearce had acted as liberally as possible under the provisions of the Lands Act which governed his decisions. He assured Oliver that if there were any real grievances the Lands Board would be willing to remedy them.

Burgess continued in a more personal vein. He noticed that three-quarters of the resolutions passed at the meeting were at Oliver's own instigation. He and Donald Ross, who together promoted the resolutions criticising Pearce's work, were both involved in the North Bank dispute and Burgess could not avoid drawing the conclusion that they were concerned to forward their own claims. The remainder of the resolutions dealt with Indian affairs and colonization company business and Burgess had passed them on to the appropriate department. Under the circumstances Burgess could only conclude that the entire incident had been a political manoeuvre by Oliver to seek support for re-election

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to the Territorial Council.

Pearce asked permission to counter Oliver's press attack by fully apprizing the settlers of the Board's decisions and the principles on which the decisions were based.⁵⁶ He felt this would seriously weaken the Bulletin's effect as Oliver was gaining strength from the Department's inaction. Almost any reasonable explanation would have undermined Oliver's position and now that the rebellion was over he could see no problem in making the Board ruling's public.⁵⁷ He felt it was a mistake to keep silent in the face of statements they could so readily refute. Macdonald, however, vetoed this proposal as he felt the Board should not press the matter in a period of lessening tension in the West and because he believed that the Board should maintain the privacy of the information on individual land claims. The Board, Macdonald reminded Pearce, had the power to do as it saw fit and Pearce was to ignore such protests. When in 1886 Pearce re-opened the investigations into the Edmonton claims only six settlers came forward to question his findings.

55

Idem.

56

Pearce to Burgess, July 23, 1885, WPLB Private.

57

Pearce to Gavreau, February 16, 1886, WPLB

Macdonald had suggested to Macpherson that Pearce
⁵⁸
 be sent out West after the uprising to act as a
 Special Commissioner to investigate its cause and to act
 as a claims commissioner. Macpherson insisted Pearce was
 not the man to be sent to Batoche as he felt that all
 those there considered him one of the prime causes of the
 revolt. When Macdonald persisted Macpherson pointed out
 that Pearce was needed in Ottawa to complete the patent
⁵⁹
 work on the old settlers' claims.

Ill health forced Macpherson to resign his
 portfolio on June 1 and he left for England three days
 later. He was succeeded as Minister of the Interior by
 the Honourable Thomas White on August 4, 1885. White had
 a poor opinion of Pearce and he forbade Pearce to go
 near Prince Albert until after an inspection he himself
 would make of the Territories in the early fall. Until
 then Pearce was to continue his routine departmental
 duties. Pearce was disturbed by White's attitude towards
 himself and the Lands Board and he wrote him on his
 appointment as Minister of the Interior expressing his

58

Macpherson to Macdonald, March 11, 1885;
 Macpherson to Macdonald, March 17, 1885, Macdonald
Papers (PAC), 112899, 112846, 42338-48.

59

Idem.

concern. He told White that prior to his death Walsh had told him many times that White had considered Pearce's actions detrimental to the department.⁶⁰ He asked White to meet him so that he could explain his actions in an effort to change his preconceived ideas.

White expected to find that Pearce and the Lands Board had been primarily responsible for the outbreak at Batoche.⁶¹ From his examination of the Lands Board files and from personal interviews he conducted with the settlers he found however that little blame could be attached to the Outside Service. His views on the western press and the frontier townsmen with their incessant clamor for free land changed his feelings towards them and on his return he reported to the cabinet that he now knew it would have been a "great misfortune" if Pearce had given in to those who wanted homestead and pre-emption lands but were unwilling to become genuine farmers.⁶² The results of White's investigation of the Lands Board vindicated Pearce's position.

With his change in view White now instructed

60

Pearce to White, August 10, 1885, WPLB Private.

61

The report of White's inspection tour, November 21, 1885, Macdonald Papers, 62822.

62

Idem.

Pearce to proceed to Prince Albert to investigate fully the responsibility the Lands Branch might bear for Riel's resort to arms the previous March. The reason he now gave for sending Pearce was his earlier success in settling claims there. This "had rendered him exceedingly popular with the people"⁶³ and had led White to believe Pearce would have no difficulty in making satisfactory arrangements⁶⁴ for closing out the land claims remaining.

In making his investigation Pearce enlisted the aid of Louis Marion, a Métis who had lived in the vicinity of Duck Lake since 1880, Louis Schmidt, a Métis who had lived in township 45, range 1, West of the 3rd Meridian between 1881 and 1884, Baptiste Boyer, a Métis who had lived in Batoche for ten years, and George Duck, the Lands Agent at Prince Albert. Together these men interviewed as many of the Métis and settlers as possible and from affidavits taken from them attempted to pinpoint any responsibility lands officials had in causing the

63

Interior Report, 1885, Report of the Minister of the Interior; Macdonald Papers (PAC), 62822-29.

64

Pearce was also to make an inventory of the seed grain the settlers would need in the spring to re-establish the agricultural operations of the district. Pearce met with the Prince Albert agricultural society and recommended that 6,638 bushels of wheat, 6,842 bushels of oats, 4,520 bushels of barley at an estimated cost of \$34,634.72 be sent into the district by March. Pearce to White, December 12, 1885, NPLB, 475.

65

rebellion. The affidavits were taken from the two areas in which fighting had occurred, the settlements at Batoche above range 26 and West of the 2nd Meridian on the south branch of the Saskatchewan River and those in the immediate vicinity of Duck Lake.

66

Six alleged causes of the uprising pertained directly to the lands establishment:

1. -- That the Métis settlers did not receive patents for their lands through delays that were solely the fault of the government and which rendered it impossible for them to gain entry.

2. -- That owing to the system of surveys they were unable to obtain the lands settled on prior to the surveys.

3. -- That they were entitled to the same rights

65

William Pearce, Detailed report upon all claims to land and right to participate in North-West half-breed grant by settlers along the South Saskatchewan and vicinity west of range 26 W 2nd Meridian being the settlements commonly known as St. Louis de Langevin, St. Laurent or Batoche and Duck Lake (Ottawa: 1886).

66

Idem., The lists included 95% of the Métis who took an active part, as followers of Riel, in the outbreak. The rest were strangers who were attracted by the excitement and the possibilities of pillage incident to all rebellions. Pearce claimed that only a very few took part in the uprising because they believed in their cause.

accorded to the Manitoba Métis.

4. -- That lands they had resided on for years were sold over their heads to speculators.

5. -- That the timber dues were onerous and a grave cause of dissatisfaction.

6. -- That the hay dues were onerous.

The object of Pearce's investigation was to test the substance of these allegations. He could find no evidence that the timber and hay dues were onerous. His study showed that only \$80.25 had been collected in the previous two years for timber cutting fees. Of this total \$55.25 had been collected from Prince Albert merchants. Thus it appeared that the annual cost to the settlers was only five cents a household which was scarcely excessive. As for the hay permits these were optional, and were designed to protect the settler from speculators. The government had never forced anyone to obtain such permits.

The only evidence that Pearce could uncover with regard to the government permitting the settlers' lands to be taken from them and given to speculators lay in the unfounded fear that the Prince Albert Colonization Company would seize their holdings. The government had given the company a large land grant on the south branch in 1882. Since then Pearce had continued to reassure the settlers that their lands were secure. If the company had scared them

away it was their own fault. In any event his records showed that none of them had lost their lands to the company and therefore this charge was not founded in fact.

In regard to the third charge that the Territorial Métis deserved the same rights as those in Manitoba had received in 1870 Pearce's investigation showed that many of the Métis involved in the insurrection had already received their free land grants under the Manitoba Act. Pearce could find no justification for rebellion in order to gain a second grant of land. The government would not have been justified in giving these Métis additional gifts for rights already abrogated and of the 258 Métis involved in the rebellion, 175 were from Manitoba, 24 were considered Territorial Métis, 18 were of unconfirmed origin and 39⁶⁷ were American Métis.

The crux of the investigation lay in the charges that somehow the Lands Board had contrived to deny the Métis their rightful lands on the South Branch, particularly the river lots at St. Louis de Langevin. Pearce's records showed that he and the local land agents and the Roman Catholic priests⁶⁸ had never deterred any of them from

67

Pearce, Claims to Land.

68

Duck to Pearce, December 14, 1884, WPLB 457; Dominion Lands, 163849.

making entry onto their lands but quite the contrary had
⁶⁹
 repeatedly urged them to do so. For a variety of reasons
 they had not made entry then or subsequently to the
⁷⁰
 insurrection. It was not the fault of the Lands Board
 they did not see fit to make entry and they could not
 blame the government for the consequences of their own
⁷¹
 actions. Despite the unfortunate delays in processing
 patents for lands in the Prince Albert district the fact
 still remained that these people had not entered their
 lands. The government could not be blamed for depriving
 them of their lands because they had never intended to
⁷²
 enter in the first place.

The river lot question was another matter but
 here too Pearce believed the Lands Board had acted correctly.
 Where settlement had occurred prior to the grid survey.

69

See above pp. 86, 96-100.

70

Dewdney to Macdonald, November 13, 1883,
Macdonald Papers (PAC), 8951.

71

Pearce to Duck, October 16, 1884, WPLB PA
Claims; Pearce to White, April 26, 1886, Macdonald Papers
 (PAC), 111200; Pearce to H. H. Smith, December 14, 1884,
WPLB 457; Pearce to H. H. Smith, March 5, 1885, WPLB
759.

72

George H. Young, Secretary to the Rebellion
 Losses Commission, "Half-Breed and Indian Insurrection
 1885", paper 4, page 3, G. H. Young Papers (PAM).

at St. Laurent the Branch had permitted entry onto river lots but the settlement at St. Louis de Langevin had occurred after the survey of 1883.⁷³ In such cases river lots could be obtained by a legal sub-division of the grid. This the Métis had refused.

Further complications arose from the undefined boundaries of One Arrow's reserve and also from the fact that some had already filed for quarter-section homesteads.⁷⁴ A resurvey would do harm to those settlers who had made entry to lands on the sectional grid. The refusal to carry out a resurvey was due to the prohibitive cost of meeting the needs of the 17 families who had settled over a distance of 60 miles along the river and the belief that they were either of the hunter group or were primarily engaged in freighting and had no intention of farming. The danger of setting a precedent was also uppermost in the minds of the lands officials who were at that time besieged from all parts of the Territories by petitions from groups of settlers demanding resurveys.

In conclusion Pearce felt that of the 258 Métis involved in the fighting none had ever been denied the

73

Pearce, Claims to Land.

74

Idem.

right of entry and not one inch of their lands had been taken from them as a result of the actions of the Lands Board. He felt the insurrection was primarily traceable⁷⁵ to the effects of the 1870 Rebellion in Manitoba. During Riel's first rebellion a great deal of pillaging went unpunished and he believed that the excitable, uneducated Métis had concluded that a similar occasion would provide them with a similar bonanza. He observed that their natural⁷⁶ instincts were unsuited to civilization and later he was to conclude that the clash of arms was inevitable and perhaps for the best as it had settled the future of the Métis once and for all whereas protracted negotiations would not have⁷⁷ led to a solution.

Pearce's report was published by the government in English and French and was used in the election campaign of 1887 to counter Liberal charges of maladministration

75

An address by Pearce to the members of the Alberta Military Institute, October 16, 1923, entitled "Half-breed and Indian Outbreak 1885; Causes of and Suppression of Same", WPP, file 14.f.3; Pearce to D. C. Coleman, July 16, 1917, WPP, file 19.11.

76

Pearce to T. M. Daly, n.d., 1889; Burgess to Daly, n.d., 1889, WPP, file 19.18.

77

Ibid., Pearce to Jacob Smith, March 25, 1925.

78
 in the West. His principal finding that a conspiracy was
 in operation amongst their leaders to stop the Métis from
 entering their lands and that it had been their own and
 not the government's fault that they had not taken up
 79
 their land claims caused Frank Oliver to term the report
 the "Blue Book of Romance". Apart from limited questioning
 by the Liberals in the House of Commons Oliver's paper
 made the only serious attempt to discredit his findings.

In anticipation of a strong attack on his report
 by the Liberals the Prime Minister asked Pearce to be in
 Ottawa for the winter session of Parliament as an adviser
 to the Minister of the Interior but the challenge failed to
 materialize. The evidence in support of Pearce's findings
 was voluminous and thorough. The documentation of his
 findings was unassailable. At the end of the session he
 returned to Calgary to pick up the threads of his duties
 as Superintendent of Mines.

With his report on the Riel Rebellion completed,
 Pearce's active role in land matters quickly declined. By
 1884 settlement procedures had become matter of routine.

78
 See above p. 173, fn 65. Pearce to D. C.
 Coleman, July 16, 1917; Pearce to T. G. Rothwell, March
 3, 1915, WPP, file 19.11.

79
 Schmidt to Duck, December 27, 1885, WPLB 796;
Dominion Lands, 163849.

This and the continued absence of any mining boom permitted him to devote more time towards planning long range development programs for the Territories. Among them was the promotion of a national park system for Canada.

He had piloted his proposals for parkland reserves through the Department of the Interior the previous November when he had helped to draft the Order-in-Council which on November 25, 1885 had established the Rocky Mountain Park Reserve around the Banff Hot Springs.

Pearce's attention had been drawn to the possibility of the government establishing a national parks system by William Van Horne, President of the Canadian Pacific Railway in 1883.⁸¹ Pearce had just returned from his first inspection trip to Calgary in the fall when Van Horne

80

The original reserve consisted of sections 13, 14, 15, 22, 23, 24, 25, 26, 27, 28, portions of 34, 35, 36 south of the Bow River in township 25, range 12, West of 5th. This was enlarged in 1887 to 260 square miles.

Recognition for Pearce's work in establishing Canada's National Parks came much later in 1925 in a letter from the Deputy Minister of the Interior W. W. Cory which said in part, "everyone here recognizes the importance of the work you did in the early days in connection with the establishment of the National Parks and appreciates the vision you showed at that time." W. W. Cory to Pearce, June 15, 1925, WPP, file 22.4

81

A report of an address by Pearce to the Calgary Historical Society on the establishment of the National Parks in the Rocky and Selkirk Mountains, Calgary Daily Herald, December 27, 1924.

approached him at the Winnipeg station. Van Horne had sought him out to find his reaction to the proposal that certain areas of the mountain regions close to what are now Banff and Lake Louise be set apart for park reservations. Van Horne offered to have the title to these lands placed in the hands of either the Canadian Pacific Railway or himself to ensure their preservation and to stop their despoliation by the advance of civilization in the guise of miners or lumbermen.

Van Horne had himself just returned from the railhead at Holt City (Lake Louise). A fresh snowfall had convinced him that the mountain peaks surrounding "Lac des Arcs" presented the most beautiful scenery in North America and he told Pearce he desired to preserve the area and to eventually build a home by the lake.⁸²

No doubt Van Horne recalled Sandford Fleming's report on the occasion of the engineer's trip through Rogers Pass in 1883 concerning the establishment of a park in the Rocky Mountains to preserve some of their natural beauty.⁸³ In Winnipeg, Van Horne invited Pearce, the newly appointed Inspector of Lands Agencies, to his house to discuss

82

Idem.

83

Fleming recommended two park reserves, one in the Rockies near Rogers Pass, the other north of Lake Superior at Lake Nipigon. Sandford Fleming: A Summer Between Old and New Westminster (London; Sampson Low, Martson Searle and Rivington, 1884), p. 415.

the possibilities of setting up park reserves in the mountains along the main line of the Canadian Pacific Railway. Pearce, soon to become a frequent house guest of Van Horne's, was interested in the park proposals and promised Sir William he would ask the Department of the Interior to study them.

Pearce advised Van Horne to write to Burgess about the reserve but in the spring when Van Horne returned to his chosen spot in the middle of a dust storm he could not see the lake at all. After the storm the view of his proposed retreat at low water was far from beautiful with dead wood scattered about the previously snow covered sand bars. He quickly dropped his park proposals but the site for many years was referred to by his railway men as
84
"Van Horne's Park".

Pearce was conscious of the possibilities of Van Horne's park proposals and did not let the matter drop. Among other things he was concerned over the implications of Van Horne's proposals to have the title to the park reside in other than government hands because the railway might decide to use the mountain streams to electrify the Canadian Pacific over the mountain section and this could spoil the natural setting, a possibility Van Horne had not mentioned. He urged Burgess

85

to establish a park reserve for a public resort but to do it quickly and quietly so that the reserve would remain in government hands.

On subsequent inspection trips into the mountains Pearce picked the location of many future park reserves and he continued to press for the adoption of a national parks system. His persistence had its reward when he was able to win Thomas White to his proposal after the latter's appointment as Minister of the Interior in 1885. White became so enthusiastic over Pearce's proposals that he informed Macdonald he proposed to make these mountain park reserves more popular than similar ones in the United States at Yellowstone.⁸⁶ Nor was the probability of capturing some of the transcontinental passenger rail traffic from American lines if the Banff park became a tourist mecca lost on the cabinet. White agreed with Pearce's evaluation of the future value of park reserves and he gave his full support towards the first reservation and he asked Pearce to come to Ottawa to help draft the necessary legislation. Pearce's proposals for a Rocky Mountain Park were incorporated in the Order-in-Council of November 25, 1885 which established

85

Pearce to Burgess, October 16, 1883, WPLB Private.

86

A confidential memorandum on park reserves drawn up by White for the Privy Council, November 21, 1885, Macdonald Papers (PAC), 62827.

the Rocky Mountain Park. In later years most of the sites he chose were incorporated into what are today the National Parks of Banff, Kicking Horse, Yoho, Glacier and Revelstoke.

In April, 1886, White asked Pearce to conduct an investigation into any prior claims within the park reservation and to draw up recommendations for settling such claims so that they would be made inoperative and could be extinguished. The Minister of the Interior had previously observed a number of squatters in the general vicinity of the sulphur springs who appeared bent on claiming them by right of prior discovery. This the government was anxious to prevent. White believed it would be a great misfortune to permit these springs to get into private hands. His policy towards the park reserves was that they must remain⁸⁷ exclusively under government control.

White planned a large townsite close to the springs and a sanitarium adjacent to them. Town lots in the park would be leased to individuals on the basis that the buildings they would erect would be commensurate with the surroundings. Pearce urged White to keep the business section of the proposed townsite north of the Bow River away from the scenic areas of the Hot Springs so as not to lessen the aesthetic effects

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of the mountain scenery. Pearce also suggested that the government might consider giving the squatters first choice on lots within the townsite in lieu of their discovery claims which in any event the government had no intention of recognizing.⁸⁹

Proceeding to Banff Pearce knew it would be impossible to discover who had really found the cave and basin⁹⁰ as on a clear day in the winter everyone could see the steam coming from the vent holes of the sulphur springs. He had visited the springs incognito in September, 1885 after hearing glowing reports of their curative properties. Where the current was sluggish and the river narrow, he had discovered a raft and a wire pulley by which he could pull himself across the Bow River north of the cave. The raft and wire were made from Canadian Pacific Railway materials. At the cave William McCardell and Frank McCabe, employees of the railway, showed him a 20 foot drop through the two foot center vent to the pool below. This was reached by climbing down a tree sparred for a ladder. But they refused to show him the way to the upper

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Correspondence concerning the Banff claim, WPLB 759, pp. 413-462.

89

Pearce to White, August 16, 1886, Interior Records, 137193.

90

Depositions on Banff claims, WPP, file 14.B.2.

springs or to Lake Minnewanka and they tried to discourage him from further exploration. Pearce, however, continued alone and had no difficulty in finding them. His findings on this trip were to stand him in good stead when he now had to adjudicate the discovery claims.

Pearce had 100 posters printed for display in the vicinity of the springs to warn the many campers that as the lands were reserved for parkland they were now withdrawn from settlement. The government would not
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 recognize squatters rights.

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 Pearce opened his investigation into the discovery claims on July 8. He had instructions not to admit these but he could recommend financial compensation to squatters for their time and their expenses incurred in improving the park or bringing it to the attention
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 of the public. There were in all four claimants who preferred a claim within the

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Macdonald to White, December 16, 1885, WPLB
759.

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Secretary to the Banff investigation was Mr. Wm. Perkins Recorder of the Queen's Bench in Manitoba. He had just completed taking evidence in the Judge Travis' hearings under Justice Taylor in Calgary, Interior Records, 137193.

93

Ibid. A ministerial memo to the effect that no discovery claims were to be admitted, n.d.

park reserve by virtue of either discovery or development. These were I. G. Grant from Winnipeg in absentia, Frank McCabe and William McCardell with Senator J. A. Lougheed as attorney, D. B. Woodworth, M.P., who claimed a share of McCabe's claim and David Keefe, a construction foreman for the Canadian Pacific Railway at Banff Station. There were in addition three possible claims to the Springs put forward solely by the right of prior discovery. These were those of D. Theodore Siebring of Donald, B.C., William Young and Joseph Healy.

Healy was one of the earliest explorers in the eastern Rockies and though he gave evidence at the hearing and could have made a claim he declined to do so. Young, a native of Ohio, claimed he had come to Manitoba in 1875 and in November of that year had gone up the Bow River to trap. He built a shack worth \$18 and prospected and hunted until the next July. He then left for Edmonton and came

Tom Wilson to J. B. Harkin, June 28, 1922, WPP, file 19.12. Reverend R. T. Rundle was the first white man known to have visited the park area when he camped several weeks at the foot of Cascade Mountain in June 1841.

William Pearce in an unpublished manuscript on the "Establishment of the Chief Parks along the Main Line of the CPR" stated that there was also another claim that could have been made. There was an abandoned trapper's hut on the South Bank of the Bow River about 150 yards above the present traffic bridge. It appeared to have been erected ten years before 1884 but no one came forward to lay claim to it, WPP, file 20.5.

back in September to make a cache. He returned in 1878 to set a trapline and because of a shoulder injury he had returned only the previous March. He claimed that he and his partner, who had abandoned his share of the claim, discovered all the area about the basin. They had kept it secret waiting until enough capital was raised to permit a proper development. Pearce would not admit this claim by right of prior discovery because Young had merely seen by accident what nature provided and he had done nothing to develop the site for public use.

Grant claimed he had taken a sample of water from the springs for mineral analysis in September of 1883 but it had broken on the way East and he could not replace it. Had he had it analyzed he stated he would have publicized his find at least one year earlier. But he had taken no new steps until June 1886. Pearce denied his claim as obviously speculative.

Siebring and Keefe were both employees of the Canadian Pacific Railway and it was therefore their work which led them to their find. Siebring claimed to have heard of the springs from Keefe and he with a partner erected a shack, staked 40 acres and applied for a mining claim dated in February or March, 1884. By his own admission he was not the discoverer and as his shack was of no value and as he had made no improvements since its

erection, his petition was denied.

David Keefe, the construction foreman at Banff Station, had been resident close to the springs since July, 1884 and he had done a considerable amount to make them known. He had constructed the raft and pulley across the Bow River for public use and he had also set up a boarding house in the Canadian Pacific Railway section shack, the only place one could get meals and lodgings. Initially he stated he had filed a claim on June 1, 1885, but later testified he had not done so because he learned that only British subjects could file for entry and, believing McCabe to have first claim, he had neglected to follow through. Pearce decided he should receive \$100 compensation for his efforts, the equivalent to one and one-half months time spent on making the improvements. Other profits would come from his illicit restaurant inside Canadian Pacific Railway buildings and payment for use of his raft and wire, which were built from Canadian Pacific materials. 95

Woodworth's claim to a part of McCabe's share was based on an assignment for \$200 loaned the latter for road building purposes and \$4,397 in improvements made up of buildings and surveys. McCabe denied he had entered into such an agreement. Pearce ruled that whether or not the

agreement had been reached was a civil matter between the two parties and was therefore immaterial to his investigation into claims of discovery. Pearce was prepared to award him \$1,000 compensation for his efforts. If he insisted on more he was prepared to charge him with trespass on Crown lands, damage to public property, and destruction of timber.

McCabe and McCardell preferred claim to all three springs in the area. McCabe, a Nova Scotian, had been a tracklayer on the Manitoba South-Western Railway in 1881 and became section foreman for the Canadian Pacific Railway on the Kananaskis section in October, 1883 where he met the McCardell brothers, William and Thomas. In the winter of 1883-1884 after work stopped they hunted and prospected in the mountains. In December or January, 1884 they erected a shack close to the springs and claimed they had often stayed there. They had asked the Dominion Land Surveyor, McVittie, for advice on how to stake a claim to the springs as early as 1883. McVittie told them to get a survey made and to take out a mining claim. They did not do so. They knew they could not hide their findings yet they made no effort to stake their claim after that date. Pearce reasoned they therefore could not have placed any value on their findings. Although their claims were denied Pearce judged they should be compensated \$675 for what

improvements they had made.

In addition to these claims a George Whitman put forward a claim for a hotel site. Pearce recommended that if the lodgings he provided were in the public interest his claim to a lot could be entertained, if not he too would be treated as a trespasser on public lands and his claim would be denied.

None of the claimants had attempted to publicize the existence of the natural phenomena, none had seriously undertaken to secure a claim to the springs, most had discovered them as a result of their work on the railway and most had submitted their claims to Pearce in 1886 on the chance of some gain from the investigation. Those who received compensation found that Pearce had been generous in calculating their time spent in improving the site. None protested Pearce's rulings, perhaps because of his known intent to prosecute them for trespass if they did not accept his decisions.

Pearce's investigation at Banff had been a quick, efficient operation. He had carried out the wish of the government to deny any private claim to the park reserve. From the inception of his proposal for a national park reserve he had always insisted upon strict and complete government control. This principle had been agreed to by the other senior officials in the Department of the Interior as a means to control access and the use of all the natural

resources within the reserve. None of them had any desire to deny the exploitation of parkland resources but they wanted to ensure that any development within the park would not mar its scenic effects. They did not trust private enterprise to protect the aesthetic values of the reserves and thus they were insistent that the government should maintain complete power over park development. Primarily the parks were to be established as recreation areas for the use of the public. Any other use would be permitted only in so far as it did not interfere with public enjoyment.

After the completion of the Banff investigations Pearce had time to turn his attention towards the planning of other more comprehensive resource development programs for the Territories. From his past experience and his observation of western growth he had already formed the basis for his ideas. Now that he had no pressing duties he could expand his ideas into concrete proposals. To this end he spent the remainder of the year in travel throughout

From time to time Pearce was called upon to investigate isolated instances of disputed land claims and in 1889 he was charged with the responsibility of adjudicating the lands rejected by the Canadian Pacific Railway under the terms of the "fairly fit for settlement" clause of the railway's charter. Apart from these and other instances where he was called upon to perform specific tasks in the guise of a trouble-shooter for the Department of the Interior Pearce was able to devote his energies exclusively promoting his development proposals.

the plains region observing the nature of the natural resources and in meeting as many people as would stop to talk to him about their needs and future aspirations. As a result of his travels Pearce was able to define the major physical obstacles to Territorial growth.

As he saw it the future prosperity of the Territories was dependent on the ability of the region to provide for the economic well being of its people. Only to the extent that the individual could attain a measure of financial success in his struggle to wrest a living from the prairie soil would the region prosper. But in the Canadian West man and nature had created serious limitations upon the possibility of success. The Canadian Pacific Railway had by driving across the short-grass plains confined settlement to a semi-arid region where despite the richness of the soil the lands were in fact sub-marginal for most farming activities because of a rainfall deficiency. Because of an unusually heavy rainfall in 1883, which resulted in abundant crop yields for that and the following two years, the westerners were in 1886 just becoming aware of the serious implications of drought owing to the marginal rainfall
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of the plains region. This deficiency

Although they were initially unaware of the nature of prairie rainfall they had in fact settled in a region where the average annual precipitation is from 10" to 15" a year. This is marginal for the growth of cereal crops.

was most severe in what is now south-eastern Alberta and south-western Saskatchewan. If the West was ever to experience an economic boom a solution to the problems posed by the semi-arid nature of the plains would have to be found.

Another problem faced by the West was its limited and yet dispersed population. Without the formation of large urban areas it was impossible to establish large enough markets within the region to warrant the development of major industries. The distance from the markets in the East made it economically impossible to compete with eastern industry except in agriculture. Within this field the only activity that had any hope of financial success was ranching, to which the short-grass plains were ideally suited. The limited rainfall was sufficient for the growth of exceptionally nutritious native grasses. In the ranching areas south and east of Calgary the natural phenomenon of the chinook wind kept the range free of snow for all but a few weeks of the winter and turned the land into one vast pasture. The need to supply winter fodder was therefore minimal. The only serious deficiency was a lack of water. If sufficient water for the stock could be secured the range capacity of southern Alberta alone seemed enormous and with the development of the means for refrigeration western beef would find markets in England and in the mining camps of

British Columbia. It was only in the ranching industry that Pearce saw the ability to produce goods for an assured market which would lead to financial success. Because of this he proposed that the government should undertake to aid and support ranching as the primary industry in the West.

During the late summer and early fall of 1886 Pearce spent considerable time amongst the ranchers of southern Alberta. They were particularly anxious to cultivate his goodwill as their existence depended upon a favorable decision by the Department of the Interior on leasing them large areas of Crown lands on the open range for grazing. The ranchers and ranch managers had first met Pearce in 1884 when he and Walsh had ridden over the ranching country during Burgess' convalescence in Calgary. They had impressed the government officials with the importance to the Territories of the success of the ranching industry⁹⁸ in that as their industry was extensive in nature it was the only one that could profitably utilize the natural advantages of the range to its maximum capacity.

Burgess was anxious to learn the reaction of the ranchers to homesteaders on the range. Most of the ranchers

seemed to feel that the homesteader was an asset to them as he was a supply of labor for the roundups and his crops formed a source of hay and food stuff. They agreed that had there been more farmers on the range during the long and disastrous winter of 1881 the additional fodder supplies would have saved the range herds from starvation. They did not oppose settlement on their leases provided the settlers did not put fences around the limited number of water sources.⁹⁹ The ranchers were more concerned over the possibility of the introduction of sheep onto the range.¹⁰⁰ They felt that large numbers of sheep would mine the soil and leave it barren. Burgess was sympathetic and on his return to Ottawa drew up an Order-in-Council prohibiting sheep ranching in an area from the international boundary along the summit of the mountains to the north fork of the Highwood River and along the Bow River to the eastern boundary of Alberta.¹⁰¹

Burgess' optimism over the relationship between the farmers and the ranchers was short lived. Even then and more so the following year an influx of farmers, whom Pearce

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Idem.

100

Pearce to Burgess, September 20, 1884, WPLB
January 1883.

101

Idem.

reported were really small stockmen intent upon expanding their resources into larger stock growing enterprises, took up claims to bottom lands adjacent to the rivers or settled on the vital fresh-water springs.¹⁰² They then proceeded to fence the water supplies thus denying their use to the range herds.¹⁰³ The actions of the settlers, who refused to take up lands on the river benches or on the plains because these areas were not thought suitable for cultivation, threatened to destroy the ranching industry. Only three per cent of the area of the range held water supplies and if these were taken by the settlers it would make 97 per cent of the area unproductive. Maximum use of the land could only be made if all the water supplies were open to the range cattle.¹⁰⁴

To illustrate the danger to the range herds from the actions of the settlers, Pearce reported that between Fort Kipp and Slideout on the Belly River, 17 settlers had,

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Pearce to H. H. Smith, September 10, 1885, WPLB 457.

103

Pearce to Macdonald, June 30, 1884, Macdonald Papers (PAC), 80298; Interior Report, 1885, Report of the Deputy Minister, xxiv.

104

Pearce to H. H. Smith, September 10, 1885, WPLB 457; Pearce to Burgess, October 26, 1889, WPLB January 1883; A report of the Minister of the Interior's western trip dated November 21, 1885, Macdonald Papers (PAC), 62822.

by fencing the cutbanks, gained control of 25 miles of river bank. With such a stretch of water now inaccessible to the ranchers the farmers had rendered the adjacent range valueless.¹⁰⁵ Pearce recommended that the Lands Board should remedy this situation by withdrawing all the remaining water sources on the plains from settlement. These should be designated as stock watering and stock shelter reservations. Free access to the reserves would not be denied to anyone. In recommending these reservations Pearce realized that the farmer would no longer be able to exist on the range as the range cattle would eat and trample his crops and gardens on their way to water. But as he had already decided that farming was impractical on the range owing to the marginal rainfall and uneconomical because markets for farm produce were nonexistent he had no doubts about urging government support for the ranchers. With the water supplies secured Pearce predicted the ranchmen could increase the volume of range cattle fourfold.¹⁰⁶ Their industry was that best suited to the plains environment and he was determined to deny the use of the range to the

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Interior Report, 1885, Report of the Superintendent of Mines, p. 20.

106

Pearce to H. H. Smith, September 10, 1885, WPLB 457.

farming element.

Pearce enlisted the aid of the ranchmen to establish a lobby in Ottawa to insist on government action to preserve the water reserves on the range. He urged the stock associations at Fort Macleod and High River to have them do everything possible to promote the concept of stock water reserves.¹⁰⁷ Pearce promised them they would have the full support of the Department of the Interior in their demands. He believed their interests were identical with those of the plains region as a whole and he would do everything within his power to assure the future success of their endeavours.

Without waiting for ministerial approval of his proposals for stock watering reservations Pearce, using his authority as a member of the Dominion Lands Board, ordered the local lands agents to hold in abeyance all claims to land encompassing water reserves and to refuse to accept any new land claims of the same nature until an inventory of water resources on the plains had been completed.¹⁰⁸ The Minister of the Interior approved

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Pearce to Stinson, November 30, 1885, WPLB 457; Petition of the North-West Stock Association dated March 6, 1886, WPLB 759.

108

Pearce to H. H. Smith, May 27, 1886, WPLB 457.

Pearce's actions and ordered the Lands Board to establish the suggested reserves. The immediate result was a rapid increase in the size of the range herds and an expansion of western cattle industry in subsequent years at the expense of the farming interest.

The Minister of the Interior also took action on another of Pearce's recommendations by the appointment of a Ranch Inspector. His responsibility was to investigate leasing requirements of the range herds to ensure that the ranchers had lived up to their obligations in stocking the range¹⁰⁹ and to take over Pearce's responsibility towards the ranching industry. Although Pearce had promised the ranchers his support for their enterprise he insisted that they should meet the requirements of their lease contracts. When they failed to do so and deficiencies in stocking were noticed he did not hesitate to recommend the cancellation of their leases.¹¹⁰ With the establishment of the office of Ranch Inspector Pearce hoped his responsibility towards the ranchers would decline but as his home was in Calgary and as the ranchers wanted the support of the most senior

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Under leasing regulations the ranchers were to place one head on every ten acres of lease lands or in the case of sheep, one animal for every two acres.

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Pearce to Burgess, August 8, 1885, WPLB

government agent in the West he found he could not entirely escape from their demands. The Ranch Inspector, however, did remove from his shoulders the routine work of taking cattle censuses and defining water and shelter reserves.

The Department of the Interior recognized ranching as the future principal industry of the plains region but Pearce realized that it could never attain its maximum potential as long as it depended for success solely on the limited rainfall of the region. He believed the solution to the problem of limited water resources on the range lay in conveying water from remote mountain sites or from the prairie lakes and rivers onto the plains through a system of reservoirs and canals to augment the natural rainfall. Burgess felt that Pearce's proposals were premature in that the number of people in the West would not admit the necessary expenditures on the part of the government particularly as in most years the natural precipitation was sufficient for the needs of the ranching industry.¹¹¹

The attitude of the Deputy Minister towards his water diversion plans did not deter Pearce from publicizing and promoting them throughout the West. In this he was aided by the establishment of a Mormon colony in southern

¹¹¹
Interior Report, 1885, Report of the Deputy Minister, xxiv.

Alberta whose members practiced irrigation farming techniques. The colony had been established at Cardston in 1886 by Ora Card. He had come to Canada the previous year where he had sought irrigable lands in southern British Columbia for the purpose of establishing a settlement.¹¹²

The Dominion Lands Agent there suggested that because most of the lands capable of irrigation had already been developed he should get in touch with Pearce in Calgary where he might find lands more to his liking on the southern Alberta ranges. This he did, and Pearce directed him to the area now known as the Lethbridge Plains. Card was so enthusiastic over the prospects of settlement there that he returned to Utah and the next year brought 13 families with him to settle at Lee's Creek.¹¹³ These formed the vanguard of the Mormon settlements in southern Alberta. Pearce made note of their coming and wrote Burgess that "their example and experience which they are likely to show in the matters of irrigation will be of great importance to other settlers along the foothills of the Rocky Mountains".¹¹⁴ He considered the

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A. James Hudson, Charles Ora Card; Pioneer and Colonizer (Cardston; by the author, 1963), pp. 125, 139-143.

113

Interior Report, 1887, Report of the Deputy Minister, xi.

114

Ibid., Report of the Superintendent of Mines, p. 11.

Mormons as allies in his efforts to promote irrigation and he did all in his power to aid in their settlement. Together they were to promote irrigation as an agricultural system designed to aid in the development of the semi-arid western plains. Their combined efforts were to lead to long range water management programs within the western region.

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Pearce interceded on their behalf to have their lands granted en bloc to aid in the irrigation of their lands. He initially failed because of the fears of department officials over the acceptability of the Mormons by settlers and ranchers and the government's insistence on not showing them any favors. Pearce to P. G. Kirby, December 17, 1887, WPLB Private 1888-90; Burgess to Daly, March 23, 1887, Interior Records, 325395.

CHAPTER V

THE PROMOTION OF IRRIGATION 1885-1896

The development of the physical resources of the Northwest Territories was to occupy Pearce for the remainder of his life. Though much of the soil of the western plains is rich the random pattern of rainfall, averaging only 15¹ inches a year, is marginal for the successful production of cereal crops. Thus the major obstacle to the development of western land resources was the limited rainfall of the region, which is no more than sufficient to promote the growth of native grasses. The problem Pearce tried to solve was how to bring the needed water from the mountains where it could not be used to the people on the plains below.

Known as the Palliser Triangle, the semi-arid

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In four of the seasons Pearce was in the West the annual rainfall fell below seven inches. The rainfall of the plains region is seldom regular and random cycles of wet and dry years produced what were considered to be 29 dry years in the 40 years prior to 1934. The dry cycles were 1884-1896, 1903-1911 and 1917-1924. W. A. Chant, A Report on the Rehabilitation of Dry Lands in Alberta and Crop Insurance 1935-36 (Edmonton: The King's Printer, 1936), p. 22; M. K. Thomas, Climatological Atlas of Canada, Dominion Bureau of Statistics (Ottawa: The King's Printer, 1953).

The lowest recorded annual precipitation was at Medicine Hat in 1886 when only 5.46 inches were recorded, The Irrigation Review, I, No. 4 (July, 1920), p. 1.

portion of the western plains lies on the northern fringe of the Great Central Plains region of the North American Continent. As defined by Palliser in 1859 the northern limits of the Triangle strike north-west from a point where the 102nd meridian intersects the international boundary towards the bluffs of the North Saskatchewan River in the vicinity of Battleford, and thence westerly towards the eastern foothills of the Rocky Mountains which form the western boundary. This semi-arid region is over 101,340 square miles in area and is almost completely devoid of trees except in gullies, ravines² or along the river valleys.

An outstanding feature of the region is the deep network of furrows cut in the prairies by the principal rivers and their tributaries. The rivers rise in the icefields of the Rocky Mountains and derive most of their water from the melting snow and ice before traversing the plains below. Their rapid rate of fall coupled with a greatly increased volume of flow during the period of the spring thaw creates the energy for the rivers to dig deep channels through the soft prairie soils, often one to two hundred feet beneath the levels of the surrounding plains. Thus it is extremely costly to divert their waters onto the arid lands in order

²
Interior Report, 1897, Part III, Irrigation,
 p. 24.

to supplement the natural rainfall.

Pearce had first crossed the plains by train in September 1883 when he had journeyed from Winnipeg to Calgary to investigate disputes over the ownership of town lots in Calgary between squatters and the Canadian Pacific Railway. During the lengthy ride across the prairies he was struck by the similarity in landform and vegetation between the Canadian West and Utah and Colorado. He had visited these states in 1881 and there he had first observed the various engineering techniques which the Mormons had perfected³ to supply dry lands with an artificial water supply. He was particularly interested in the water management capabilities of the Americans and he spent considerable time in Salt Lake City examining the methods they used to combat rainfall deficiencies in order to reclaim arid lands for agricultural purposes.

The Mormons had settled in the region of the Great Salt Lake in 1848. Their settlement, far in advance of the American frontier, had been accompanied by radical changes in farming techniques to help overcome the aridity of the Great Central Plains. Their initial reaction to

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William Pearce, "The Proposed Northwest Saskatchewan Irrigation Project and Some Reminiscences of Irrigation in Western Canada," An address to the Western Canada Irrigation Association, Medicine Hat, Alberta, August, 1919, p. 5, WPP, file 13.A.1.

the water shortage had been to divert water from the mountain streams onto their lands but by 1858 all the available surface water had been allocated for domestic and irrigation purposes and the energy of the community had then been directed to developing and perfecting methods of dry land farming which would conserve what little sub-⁴soil moisture already existed. When Pearce visited them some twenty years later their irrigation methods and dry land farming technology were highly sophisticated.

Pearce's remarks about the similarity in conditions between the Canadian Plains and the American West interested a fellow traveller from Colorado. To Pearce's questions about the future of the Canadian West as an agricultural region, he replied that it would be a very good country indeed if only the Bow River were out on it and not⁵ running deep in its channel. The stranger's views on irrigation and the possibility of diverting water from the

4

Walter Prescott Webb, The Great Plains (Boston: Gin & Co. 1921), pp. 319-375.

P. M. Baker, "What We Want: Irrigation as an Adjunct to Dry Farming", An address to the Western Canada Irrigation Association, Medicine Hat, Alberta, August, 1919, p. 5, WPP, file 13.A.1.

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William Pearce, "The Proposed Northwest Saskatchewan Irrigation Project and Some Reminiscences of Irrigation in Western Canada", an unpublished MS, WPP, file 13.A.1.

western rivers onto the dry lands convinced Pearce that the early introduction of irrigation practices would greatly increase the plains agricultural potential. Before the train arrived in Calgary he had decided that the diversion of river water onto the short grass plains was not only advisable but essential for the future economic prosperity of the Territories.

In subsequent inspection trips across the plains Pearce was constantly amazed that the settlers had not considered the possibility of diverting river water to supplement the inadequate rainfall. From conversations with them he learned that most of them had come either from the eastern provinces of Ontario and Quebec or from Britain where irrigation technology was relatively unknown. They were therefore ignorant of irrigation methods. Thus when he mentioned the irrigation projects which had proven so successful in the American West he found himself continually forced to explain what he was talking about. He felt certain that the settlers would not permit the surplus water to reach the oceans unused once they were aware of

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William Pearce, "Settlement and Irrigation in that Portion of the North-West Territories West of the Missouri Coteau and South of Township Thirty", A paper read to the Association of Dominion Land Surveyors, Ottawa, January 7, 1889, WPP, file 3.35.

the benefits of water diversion.

In his annual report to the Minister of the Interior for 1885⁷ he officially brought to the attention of his superiors the need for the establishment of a comprehensive water resources management program for the Territories designed to aid the drought stricken areas of the plains region. He proposed the construction of irrigation facilities to assist in the reclamation of the comparatively dry tracts within the grazing area and to ensure an adequate water supply for the range herds.⁸ The senior officers of the Department of the Interior would not at first agree with their Superintendent of Mines that irrigation technology was essential or even desirable in the West. In the spring of 1883 and 1884 unusually heavy rains belied the existence of desert conditions and floods destroyed the few small

⁷ Interior Report, 1885, Report of the Deputy Minister, p. xxiv; Report of the Superintendent of Mines, Dominion Lands, Part I, p. 20.

⁸ "What We Are Doing with Regard to Irrigation in Alberta, Canada," A paper read by Pearce to the International Irrigation Congress, Denver, Colorado, 1897, WPP, file 13.D.4.

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individual irrigation projects then in existence. These rains helped to bring forth abundant crops and dampened any enthusiasm for water management programs for a number of years. Unfamiliar with the average climatic conditions and not having experienced crop failures caused by drought the settlers looked upon irrigators as pessimists and lunatics. Their optimism turned the thoughts of government officials away from water diversion requirements until 1888 when the sub-soil moisture dropped below the levels needed for crop production. Even by that time they had no means of knowing of the random nature of rainfall on the plains nor could they foresee that the heavy rains of 1884 would not return

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After the establishment of the North West Mounted Police at Fort Macleod in 1874 a Mr. King had started to dig a diversion ditch from the Oldman River to his hay meadows on the adjoining banks but this was stopped when he was within a few yards of success when the lands were included in the Piegan Indian Reserve in accordance with the treaty of 1877. That year John Glen started a ditch to divert waters from Fish Creek, about eight miles south of Calgary, to fifteen acres of hay and vegetable lands. This was the first operational ditch recorded in the plains region. Two men named Smith completed a ditch on the Highwood River in 1883 and they were followed by their neighbours but their works were washed out by the floods of 1884 and were not renewed. Interior Report, 1894, Part III, Irrigation, pp. 5-6;
The Calgary Herald, May 3, 1924.

10

William Pearce, "What We Are Doing in Regard to Irrigation In Alberta, Canada", An address by Pearce to the International Irrigation Congress, Denver, Colorado, 1897, WPP, file 13.D.4.

until 1896. Only after 1888 was Pearce able to evoke any substantial interest in the development of water resources. The relative success of dry land farming techniques between 1884 and 1887 was a major factor in delaying the implementation of irrigation projects for the West.

Pearce was often impatient with those who did not subscribe to his belief in the necessity for irrigation. He claimed that the major obstacles to the promotion of water management were the public's ignorance of what irrigation was and how it could be applied and the high capital costs for the construction of works strong enough to withstand flood conditions. It was stupid to complain periodically about drought conditions when all the water the settlers would ever need was flowing uninterrupted past their doorsteps. He knew that the prairie soils were of the finest, that the grasses on the plains were incomparable but all this would not encourage the development of a sound agricultural industry unless abundant water for domestic and industrial needs could be secured.

His solution was to have the government construct storage dams at the headwaters of the mountain rivers. The dams would be multi-purpose structures. They would be used primarily as flood control devices to regulate the spring run off and the heavy flow of water from freshets while the reservoirs behind them could be filled for use in the dry

years. At the same time this would create lakes by drowning the ugly headwater swamps of the mountain rivers and thus provide additional recreational facilities. The dams could also be used to generate hydro-electric power to aid the industrialization of the region.

Pearce was given an opportunity to make public his views on the need for water conservation programs when J. S. Dennis, Jr., the Vice-President of the Association of Dominion Land Surveyors, asked him to prepare a paper on some aspect of irrigation in Canada for the association's annual meeting in Ottawa on January 17, 1889.¹¹ Pearce readily accepted the offer even though he was aware that whatever he said was likely to be taken as a pronouncement of government policy and was certain to find its way into print. In spite of this he decided to accept the offer because he felt it would be wise to explain what irrigation was and to point out the benefits which irrigationists in the southwestern United States had received from their water diversion programs.¹² He asked H. H. Smith, the Dominion Lands Commissioner, to peruse his paper to ensure that it was not contrary to current government policies and that there would be nothing

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J. S. Dennis to Pearce, November 20, 1888;
Pearce to Dennis, November 29, 1888, WPP, file 13.33.

12

Pearce to Smith, undated pencilled memo, WPP,
file 3.33.

which would appear to conflict with the views of the Minister of the Interior and thus prove embarrassing to himself and to the government. He informed Smith that he had purposely modified his ideas even though he believed that the matter of water conservation was of the greatest importance to the people of the West.¹³

The response to his speech was encouraging and he seized the opportunity to send copies of his address to various Members of Parliament.

Only a few showed even a polite interest in his proposals but the reception of his ideas in the West was quite a different matter. Faced by the seventh year of drought the settlers now eagerly grasped the idea of irrigation as a means to their salvation.¹⁴ Pearce's address was fully reported in the western press which called for the formation of municipal organizations to force the Dominion Government to take action.¹⁵ The Lethbridge News

13

Pearce to Smith, January 3, 1889, WPP, file 3.33.

14

In 1888 the North West Coal and Navigation Company had sunk several holes to ascertain the depth of coal bearing strata in the Lethbridge district. The Mormons had hoped the borings would lead to wells to provide them with a water supply. Their hopes were unfounded as the borings were too deep for wells and what little water was found was too saline to be of use.

15

The Lethbridge News, November 20, 1889.

castigated the government for its "do nothing" policy on irrigation particularly after its own officials had forcefully brought the need before it. The News urged quick government response to Pearce's ideas as the greater portion of the plains lying back from river frontages were useless for agricultural pursuits owing to lack of water. The south-western press promoted the calling of a convention to discuss irrigation as a solution to the problem of water deficiencies.¹⁶ The idea of a irrigation convention caught hold of the public's imagination and throughout 1890 and subsequently various towns and cities asserted the right to be the host to the meeting.

Interest in irrigation was temporarily dampened by early spring rains in 1890 which held out the false prospect of an abundant harvest but a succession of warm, dry summer winds took up all the moisture and renewed drought conditions. This example of the vagaries of nature and the uncertainty of prairie rainfall drove home the need for an adequate water supply. The value of a sound irrigation policy was now advocated by all those interested in western agricultural pursuits.

Western agitation in favor of irrigation did not go unnoticed by Burgess. He became concerned over the

reports of drought condition in the West and as a precautionary measure he asked Pearce to study the implications of his proposals for government administration of all the surface water in the West and to draft a treatise on the implications of government water control. The treatise was meant to be preliminary in nature as the topic was not yet a matter of policy.¹⁷

In his study Pearce noted that of all the irrigation legislation in the United States that of Colorado was considered the most advanced.¹⁸ In Colorado an elaborate system of boards and superintendents had been established within designated water commission districts to take inventory of the amount of water available and to administer its apportionment. This strong, centralized authority had put an end to litigation which prior to that state's suppression of riparian rights had invariably arisen between competing water users. Pearce believed that the Colorado pattern would meet Canadian needs.¹⁹

17

Pearce to Dennis, November 10, 1890; January 22, 1891, WPP, file 13.B.2.

18

Idem.

19

Pearce examined irrigation legislation in British Columbia, Montana, Washington, New Mexico, California, Colorado and New South Wales.

American experience had resulted in the establishment of three basic principles for successful government control of water. The first essential for a sound water management program was the government's assumption of title to all surface waters within the region thus denying the settlers riparian rights. This was done in order to stop the wasteful development of competing local authorities. Secondly the government must undertake a thorough inventory of the water resources available and then locate possible sites for storage dams, reservoirs and main diversion canals. Finally the government should establish stringent regulations to provide for the maximum efficient use of the available water. Pearce found these principles to be sound and he recommended their adoption by the Canadian government. He could foresee no difficulty for the Canadian government in acquiring control of the water resources of the West and implementing these principles because of the present limited number of settlers on the Canadian plains which meant that only a few individuals would be affected by such government action nor would such a limited number of persons be able to challenge successfully the government's proposals. He urged the Department of the Interior to move immediately to abolish the riparian rights to waters in the West in favour of

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government control. The title to all surface waters from every natural stream not previously appropriated within the area would thus revert to the Crown. The right of the public to appropriate waters for beneficial use would not be denied but because of the limited amount of water which was available for use in any season priorities would be placed on its

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use. In Colorado these were allocated to domestic

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purposes, irrigation and manufacturing needs.

Throughout his work in the promotion of irrigation Pearce endeavoured to keep in touch with the American irrigation movement. He subscribed to American irrigation journals and he corresponded with the leading American irrigation engineers in an effort to gain information on their techniques and in the hope that the Canadian movement would benefit from the American experience. Of particular

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Under English Common Law riparian rights are defined as the right of the owner of the land to use the water on or flowing past his land in any way he saw fit providing the unused portion of the water was returned to the natural stream bed with its quality undiminished. The abuse of this right in the United States had resulted in the headwater states using all the waters from mountain streams leaving none for the states further downstream.

21

An essential difference between Canadian legislation and that of the United States was that water rights could not be sold in Canada but were granted for use in perpetuity and unless the user abused his water rights they could not be taken from him.

22

In 1887, the Courts in Colorado had defined domestic useage as being for household purposes, drinking, washing, bathing, and for the use of work animals and dairy cows. The watering of trees, gardens, lawns was considered irrigation, WPP, file 13.A.1.

value and influence on his thinking at this time was the work of Major John W. Powell of the United States Geological Survey. Major Powell wanted the United States Government to secure the water rights of the High Plains region and then to administer such rights on a river basin development system in such a manner that users in the mountain areas where the soils were generally poor would not by diverting all the water from mountain rivers leave the more fertile soils of downstream states waterless.²³ A study of water courses would enable inventories of water supplies to be made as a basis for the allocation of water rights to agricultural districts hundreds of miles downstream. This would benefit the people within each river basin as a whole. Powell had strong feelings about the manner in which the desert lands of the United States were being settled. Statute required that the settler homesteading such lands materially improve them prior to receiving patent. In most instances this meant irrigation. This had the effect of multiplying small uneconomical irrigation projects on lands which were at best considered only marginally fit for agricultural pursuits. Another result of this practice was that as more and more homesteads were taken out the users

upstream would divert waters onto their land leaving those below them without water supplies and thus legally in a position where they stood to lose their claim because they could not improve them without water. In the United States this had resulted in numerous petitions to congress seeking redress of grievances which involved millions of dollars.²⁴

Major Powell also recommended a survey of all the arid portions of the United States in order to locate sites for future dams and reservoirs in the catchment basins of the mountain streams. These sites would then be reserved from settlement so that corporations and individuals could not claim them for private purposes to the detriment of the public good. He also favoured the location of diversion canals so that the right of way for their construction could be withheld from settlement. Finally he recommended that the government should construct and operate the water diversion projects so that settlers would not be continually in bondage to and at the mercy of large irrigation companies.²⁵

In an address to the Association of Dominion Land Surveyors in January, 1891 Pearce fully endorsed Major

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Idem.

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Idem.

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Powell's views. Irrigation was not unprofitable to a country as dependent as Canada on agriculture and in which marginal rainfall so seriously hampered agricultural growth. Though he realized that it was likely to be some years before the semi-arid region would fully develop because there were so many other areas which were better suited to farming and which could bring forth crops without irrigation, he urged that it would be wise to prepare legislation designed to control the water rights within the semi-arid block before rather than after settlement. The experience of the United States, where settlers had by-passed fertile lands in the East to take up claims in irrigable areas in the West where water resources were assured, would indicate that the development of the irrigable areas in the Canadian West might not be far away. The establishment of sound water management programs might act as a magnet drawing thousands of settlers into the region provided water supplies were guaranteed.

Canada would benefit from the experience of irrigators in the United States and other countries where water diversion rights were initially controlled by private individuals. This situation had always resulted in bitter

26

William Pearce, "Irrigation Legislation: Its Primary Objectives," An address prepared for the Association of Dominion Land Surveyors, Ottawa, January 10, 1891, WPP, file 13.B.1.

business competition to the detriment of the individual settlers. In the United States the volume of litigation arising from disputes between competing water users had been of profit only to the lawyers. In order to avoid the undesirable features of private irrigation enterprises Pearce urged the government to establish immediately a strong central authority over her western water supplies. He further recommended that if the Northwest Territories were ever divided into provinces the federal government should reserve to itself the water rights of the Canadian West in order to develop this vital resource on a basin basis.²⁷

Departmental reaction to Pearce's second address was swift and to the point. His superiors did not agree with their Superintendent of Mines that his proposals would have the effect he predicted in stimulating immigration onto the plains. There was a widespread belief among the senior officials of the Department of the Interior that despite successful irrigation projects in the United States, immigrants to Canada would avoid the West like the plague if the aridity of land on the prairies were publicized.

Burgess informed Pearce that his agitation might lead the outside public to think that the West was a desert region. As he pointed out to Pearce it was "hard to get people the other side of the Atlantic to realize the Northwest Territories is not a sub-division of Manitoba".²⁸

Pressure was brought to bear on Pearce to prevent him making any further public comment on behalf of irrigation for the western plains. He was refused permission to deliver an address to the International Irrigation Congress on the progress of irrigation in Canada; the Deputy Minister of the Interior did not want a "hornet's nest stirred up".²⁹ He had repeatedly pointed out to Pearce there was only a small portion of the West in need of irrigation but Pearce's remarks indicated that even under favourable conditions a considerable area required it.³⁰ Officials of the Canadian Pacific Railway had informed the government that talk of drought conditions in the West would do serious damage to their land sales and³¹

28

A. M. Burgess to Pearce, January 31, 1891, WPP, file 3.35.

29

Burgess to Pearce, January 21, 1891; Burgess to Pearce, February 2, 1891, WPP, file 3.33.

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Burgess to Pearce, January 21, 1891, WPP, file 3.33.

31

Burgess to Pearce, January 31, 1891, WPP, file 13.a.1.

Van Horne had been concerned over the possible effect on the company's foreign securities if it became known that part of the land grant was arid.³² Burgess reminded Pearce that he already knew the Prime Minister's feelings on the possible loss of land sales in the Territories because of the adverse publicity given the West and that Macdonald³³ had insisted that the matter be dropped.³⁴ The government was convinced that at this stage in the development of the country much harm would result from any discussion which would indicate to the public that a considerable portion of the lands were unfit for cultivation without irrigation.

Dennis counselled Pearce not to press the issue publicly as he had observed in Ottawa that no amount of persuasion would move the Department's officials.³⁵ Pearce loyally complied with the wishes of his superiors to

³² Pearce to Burgess, February 12, 1891, WPP, file 13.a.1.

³³ Burgess to Pearce, February 2, 1891, WPP, file 3.33.

³⁴ Pearce had estimated that 90% of the plains region would benefit by additional water supplies. Burgess to Pearce, January 21, 1891, WPP, file 13.a.1.

³⁵ Dennis to Pearce, February 20, 1891, WPP, file 13.A.1.

refrain from public pronouncement on the issue but this did not however prevent him from trying to further the cause of irrigation among his friends and associates.

Although the government could silence Pearce it could not halt the growing concern of the settlers nor could it will the drought away. The western movement to force the government to act on irrigation proposals took another step forward in December, 1891, when Charles A. Magrath introduced a motion in the Territorial Assembly to appoint a special irrigation committee to press the senior government to act.³⁶ The Territorial Assembly appointed Magrath to the chairmanship of its Irrigation Committee where he performed valuable service by his continual support of irrigation proposals.³⁷

When it became obvious to Pearce that the government was not interested in becoming involved in comprehensive water resources projects, Pearce decided to establish his own company to educate the public and the officials of the Department of the Interior to the benefits of irrigation. What he had in mind was a small irrigation scheme encompassing some 4,000 to 5,000 acres of arid lands

³⁶ The Semi-Weekly News, (Lethbridge), December 23, 1891.

³⁷ The Lethbridge News, January 20, 1892; February 17, 1892.

of which at least two-thirds were capable of irrigation.³⁸
 The tract he envisioned would ideally lie adjacent to a
 rail line with daily train service to the three urban
 centers in southern Alberta, Lethbridge, Medicine Hat and
 Calgary. These would provide the market for the dairy
 produce which settlers within the tract would produce.

He wrote to Burgess asking his permission to go
 ahead with the planning of the project.³⁹ He planned to
 form a joint stock company which would create enough capital
 to provide for the construction of irrigation works able to
 withstand the pressures of flood conditions and thus ensure
 the success of his venture. His ideas, he pointed out, were
 not philanthropic but were based on sound technological and
 business principles and he anticipated a just return on his
 investment. He had on numerous occasions tried unsuccessfully
 to encourage the government to participate in such an
 experimental venture but his superiors had consistently
 declined. In the absence of government interest he proposed
 to undertake the project himself and he felt justified in
 keeping what profits he could earn. Indeed profits were
 essential if his work were to encourage the provision of

³⁸
WPP, file 13.c.5.

³⁹
 Pearce to Burgess, October 31, 1892, WPP,
 file 22.15.

capital for even larger irrigation works. He assured Burgess that none of the lands involved in his scheme were government lands as title to them had long since passed to settlers or to the Canadian Pacific Railway as part of its land grant. Thus there was no danger of a conflict of interest. Under these circumstances his superiors could see no objection to his proposal and gave
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Pearce permission to proceed.

Pearce had already carefully selected 4,000 acres of barren lands adjacent to the Canadian Pacific Railway's main line, south-west of Calgary. The lands were close enough to the city to encourage people to visit the irrigation works and to observe the application of water to what were before arid lands. The district had been fairly well settled in 1884 at the height of the land boom but since that time a lack of rainfall had lead to drought conditions and now few of the original settlers remained. Those that were left expressed great enthusiasm for Pearce's
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proposals which augured well for the project's success.

Owing to routine government business Pearce was unable to pursue personally his investigations into the feasibility

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H. H. Smith to Pearce, November 18, 1892, WPP, file 22.15.

41
Pearce to Bone, July 29, 1892, WPP, file 13.c.5.

of the project during the summer of 1892. In his absence from Calgary he secured the services of P. Turner Bone, a local civil engineer, to carry out a reconnaissance survey of the lands in question to see if water could indeed be diverted from the Elbow River to the tract. Bone was also to locate possible diversion sites and to investigate the possibilities of bringing the water into Calgary, in particular to Pearce's own property at 2014 - 17th Street East.⁴² He told Bone that if his surveys were promising he would build a system that could have water running down every city street. Jubilant over his anticipation of a favorable report from Bone he offered to guarantee a water supply onto the highest points in Calgary at a cost of only \$1,000, provided the owner of the lands would plant trees in abundance.⁴³ "The more I look into it", he advised Bone, "the more I am convinced that there is a great future for us along the foothills region in irrigation matters".⁴⁴ When the studies were completed Pearce found that as he had suspected his proposal was technically sound.

His initial intent was to remain a silent partner

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Idem.

43

WPP, file Miscellaneous, Undated MSS on uses of irrigation.

44

Pearce to Bone, July 29, 1892, WPP, file 13.C.5.

in the project to avoid undue publicity and the charges of conflict of interest which would inevitably arise in the western press if his role in promoting the scheme became known. He required five names for the company's prospectus but he also wanted the total number of shareholders kept small because he desired control of the company⁴⁵ and because he believed himself to be the only one capable of directing such a venture. His plans to remain in the background were frustrated however when the public did not subscribe to an offering of stock. As a result he was forced to come out in the open and invest heavily in the project with the hope of encouraging others to follow suit. When this too failed to bring the desired results he was compelled to turn to his family and close friends for financial support.

Throughout the fall of 1892 Pearce acted to clear away all possible opposition to his participation in the joint stock company. Abandoning the role of silent partner he made a point of fully acquainting the public with his proposals by appearing at a series of poorly attended meetings in Calgary in his capacity of Provisional President of the Calgary Irrigation Company. At no time was any opposition voiced to his ownership of the company or to his plans to divert water from the Elbow River to the arid lands

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adjacent to Calgary. Pearce mistakenly took the public's indifference to his proposals as a sign of approval for his actions. When he was certain that there would be no public outcry over his participation in a venture of this nature he acted to have the irrigation company incorporated by Act of Parliament.

The Calgary Irrigation Company received its charter on April 1, 1893. The express object of the company was to irrigate lands in the vicinity of the City of Calgary and for this purpose a stock capitalization of \$100,000 was authorized. Pearce was listed as Provisional President and Turner Bone was named Managing Director.⁴⁷ The only stockholders were listed as Bone, who had agreed to subscribe \$10,000, Pearce with \$8,000, Mrs. Pearce \$5,000, Louisa Meyer \$4,000 and Jeremy Jephson \$2,000. The heavy financial involvement in the project by Pearce and his wife was to prove unfortunate when the company failed as a result of the return of the rains in 1896.

The Calgary Irrigation Company was the first company to be incorporated in the Canadian West for the

46

The Calgary Herald, March 23, 1895.

47

56 Vic. Cap. 71, Amended 57/58 Vic. Cap. 106.

48

sole purpose of irrigation. Pearce's promotion of the company had brought him to a position which he had not previously considered possible, the presidency of his own irrigation company. "When I went through the States and became interested in irrigation" he wrote Dennis, "I did not anticipate that I was to become interested in the quest personally as a promoter and stockholder in an irrigation company or apply water to my own land".

49

The Calgary Irrigation Company was the pioneer of large scale irrigation works on the Interior Plains of Canada and demonstrated the value of irrigation in reclaiming dry lands which had previously been unsuited even for the grazing of stock. The company's initial success was to evoke an interest among monied interests in the East,

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There were four other companies previously incorporated for the purpose of stream diversion for irrigation and water power potential. The Macleod Irrigation Company, 1891; The High River and Sheep Creek Irrigation and Land Company, 1892; The Alberta Irrigation Company, 1893; The Calgary Hydraulic Company, 1893. The first two did not proceed beyond the stage of feasibility surveys and the Calgary Hydraulic Company diverted water for power purposes until 1897 when heavy floods washed away its diversion headgates. The Alberta Irrigation Company was reorganized and refinanced several times until it became the North West Irrigation and Land Company in 1896 and embarked successfully on irrigation projects on the Lethbridge Plains. Interior Report, 1895, Report of the Chief Inspector of Surveys, Dominion Lands, Part III, Irrigation, p. 21.

49

Pearce to Dennis, March 28, 1894, WPP, file 13.e.7.

particularly the Galt family and the Canadian Pacific Railway, which was to lead to the heavily capitalized irrigation projects on the Lethbridge Plains and the Canadian Pacific's Irrigation Block east of Calgary at the turn of the century.⁵⁰

Meanwhile the prolonged drought was having its effect on the government's anti-irrigation position. The plight of the settlers could no longer be ignored. In the West the belief was growing that perhaps the dry seasons were normal and that it was the wet years that were unusual. The eleven year drought had brought to the West the spectre of agricultural failure and settlers were now ready to listen to any plan that promised relief. The settlers began a mounting campaign of pressure on the government and the Canadian Pacific Railway. These institutions they claimed had caused them to migrate to the plains without warning of the semi-arid conditions and were therefore in part responsible for their present desperate plight. Their officials had promised an agrarian utopia but instead they were dumped on land which they now suspected the government and railway had known could not consistently yield profitable crops. It was therefore the responsibility of these institutions to assist

them by subsidizing the construction of water conservation projects.

At the same time officials of the Department of the Interior had begun to feel more favorably inclined towards irrigation as a result of several visits to Ottawa by Mormon leaders who had settled close to the international boundary in southern Alberta in 1886.⁵¹

In 1888 Ora Card had gone to Ottawa to clarify the Mormon position under Canadian law and had met the Prime Minister. He informed Macdonald of their practical experience with irrigation techniques in Utah, thus lessening the Prime Minister's fear that irrigation was at best a risky venture. Card's appearance was timely but it seems more than likely that even without the aid of the Mormon community and their desire to proceed with irrigation projects the popular movement for relief from the drought would have forced⁵² government action.

From the start Pearce had been the prime mover in

51

A. James Hudson, Charles Ora Card: Pioneer and Colonizer (Cardston: the Author, 1963), p. 125, 139-143.

52

Despite Card's effort to promote irrigation in 1888, Macdonald was still opposed to its general application in the West in 1891. See above p. 223.

53

the promotion of irrigation. More than anything else
 his persistent advocacy had persuaded the public of the
 necessity for irrigation and of its potential benefits. 54
 Burgess, commenting upon the government's change of policy,
 explained that the government's previous indifference was
 due to the fear that earlier proposals might have adversely
 affected immigration otherwise "Pearce would have brought the
 matter of this question more prominently before the public
 at an earlier date". 55

Once the Department had decided to acknowledge
 the value of irrigation and to proceed with a course of
 action designed by Pearce to control and administer the
 Territorial water supplies nothing could dissuade it from
 its path. Many arguments that in the past would have been
 readily used by government officials against irrigation
 were now ignored. A query expressing concern that irrigation

53

Charles Magrath who was the general manager of
 the Northwest Irrigation and Land Company which carried
 out the construction of the Mormon irrigation works
 credited Pearce with being the principal instigator.
Magrath Papers (PAC), vol. 10, file 51; Interior Report,
1895, Report of the Deputy Commission of Public Works,
 J. S. Dennis.

54

Interior Report, 1895, Dominion Lands, Part III,
 Irrigation, p. 21.

55

Interior Report, 1894, p. xvii.

ditches would bring rheumatism or malaria as a result of the evening fog on the ditches, were dismissed with the curt reply that "our climate won't carry it".⁵⁶ The writer was advised that it was the Department's intent to administer the water resources of the Territories and that the Survey Branch had already been instructed to undertake a comprehensive inventory of water resources.

Subsequent to this survey government surveyors were to locate dam and reservoir sites to permit the Department to allocate water supplies in the way most beneficial to the common good. Burgess' statement was a complete and unqualified endorsement of Pearce's earlier proposals.

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In the spring of 1892 Burgess asked Pearce to prepare a more detailed treatise on irrigation and irrigation law with a view to informing the other officials on some of the basic principles involved in the administration of water rights. The treatise would be the basis of discussion leading to a proposal for legislation on irrigation which Burgess forecast would be placed before Parliament in the spring of 1893. Pearce was asked to define

56

Burgess to Mr. Fortier, November 17, 1894, WPP, file 13.e.7.

57

Burgess to Pearce, October 24, 1892, WPP, file 13.e.7.

the government's responsibility in the regulation and administration of water resources on the plains and to outline the pitfalls, as evidenced by American experience, which were to be avoided in water management programs.

Pearce's resulting report was the consequence of his careful consideration of the many reports of various state engineers in those portions of the United States where irrigation was carried out to any extent and of the experience of practical men well qualified to speak with some authority upon the subject as well as of his own observations. He used his extensive knowledge of irrigation legislation in the United States, Australia, New Zealand and India to help prepare this pragmatic statement of what he felt were the government's responsibilities for the development of water resources throughout the West.

The most contentious issue discussed was the suppression of riparian water rights. The Minister of the Interior was concerned over the reaction of the House of Commons to the abrogation of such a basic principle of English Common Law and he was apprehensive over the outcome of such a proposal. However the inescapable fact that there was not enough water in the Territories to supply all future needs demanded the establishment of a strong central authority to apportion its use. The government, through the Department of the Interior, appeared best qualified to

assume this responsibility and to make such decisions with far reaching consequences.

That fall Pearce was called to Ottawa to discuss his ideas with his superiors. While there he was asked by the Minister of the Interior to prepare for discussion a draft Bill incorporating his proposals.⁵⁸ When this had met the criticism of the Minister of the Interior and had received the approval of the department's senior officials, Pearce was sent to the Justice Department where a Mr. Fraser helped him express the proposals in proper legal terminology.⁵⁹ This draft Bill, largely the work of Pearce, formed the basis of the Northwest Irrigation Act of 1894.

The Minister of the Interior, T. M. Daly, brought the Irrigation Bill before the House of Commons on March 29, 1893.⁶⁰ Hopes for its successful passage were dashed when Daly announced that he proposed to pilot the Bill only as far as second reading so that the House could discuss its principles. Owing to the pressure of

⁵⁸
Pearce to Mead, March 18, 1896, WPP, file 13.e.5.

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⁵⁶ Vic. Bill 130.

⁶⁰
Hansard, Vol. xxxvi, p. 3344.

business before the House and his reluctance to draw out the sitting to an inordinate length he had decided not to press for third reading. He afterwards maintained that as the legislation was unique it would be better if the Bill could also be examined by irrigationists and members of the public. By sending the Bill to interested parties throughout Canada superior legislation could be prepared for 1894 that would be even more comprehensive than the Bill of 1893.⁶¹ Daly felt that the benefits to be derived from this procedure were worth the loss of a single growing season.

Daly had no intention of letting the legislation die. Shortly after the cabinet decided not to press for passage of the Irrigation Bill in 1893 he sent copies to all interested parties for their criticism. He also provided Pearce with 100 extra copies of the Bill for distribution as he saw fit.⁶² Pearce was given the responsibility for gathering the comments on the Bill and summarizing them for

61

"The Proposed Northwest Saskatchewan Irrigation Project and Some Reminiscences of Irrigation in Western Canada," A report by Pearce to the Western Canada Irrigation Association, Medicine Hat, August, 1919, p. 7, WPP, Miscellaneous.

62

A. Chisholm to Pearce, May 26, 1893, WPP, file 13.B.2.

63
 the Department. Daly and Burgess would then examine
 them and decide what changes in the Bill, if any, were
 64
 advisable. In fact the criticism that the Bill received
 from its wide distribution was negligible. Everyone agreed
 on the basic principle of the suppression of riparian
 rights and also upon the priority of water useage assigned.
 Amendments were however proposed which permitted irrigation
 companies to erect telegraph and telephone lines on their
 lands and the license under which irrigation works were
 to be constructed was extended from six to ten years.
 At the end of ten years all the undeveloped lands would
 65
 revert to the Crown.

Advocates of irrigation in the West were greatly
 perturbed over the decision to shelve the Bill and Pearce
 later recalled that he couldn't remember "feeling more
 blue" than when informed by the Minister of the cabinet's
 decision. He recognized the danger of the legislation
 being permanently dropped and he set out to instigate a
 vigorous campaign in the West to arouse public opinion in

63
 Pearce to Dear Sirs, July 10, 1893, WPP,
 file 13.B.2.

64
 A circular from Pearce to be enclosed with
 copies of the Bill, July 10, 1893, WPP, file 13.b.2.

65
 Pearce to Daly, October 24, 1893; Pearce to
 Daly, October 27, 1893, WPP, file 13.b.2.

favour of the Bill. Although his position as a government official hampered him from exerting his influence too openly, wherever he went in support of irrigation clubs and associations his very presence implied tacit government encouragement for their actions.

The growing concern over the need for irrigation legislation prompted the Calgary Agricultural Society and the Calgary Town Council as well as several influential citizens to call an irrigation convention to be held in Calgary on March 8 and 9, 1894.⁶⁶ Pearce informed the Deputy Minister of his intention of being present at the convention and though he promised he would not commit the government to a course of action or compromise his position by speaking out he would attempt to ensure that the convention would come down strongly in favour of the abrogation of riparian rights. In so doing it would help to strengthen the government's hand in fighting the legislation through the House in 1894.⁶⁷

At the convention, which was termed by those present as the "most important meeting in the interests of the country ever held between the Red River and the Rocky

⁶⁶
Pearce to Burgess, February 23, 1894; March 21, 1894, WPP, file 13.e.7.

⁶⁷
Pearce to Burgess, February 23, 1894, WPP, file 13.e.7.

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Mountains", strong resolutions were passed demanding that
the Federal Government assume the responsibility for planning
and developing a master water management program for the
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plains region. The delegates also favorably endorsed
the proposal to suppress riparian water rights. Another
resolution called for the formation of a South-East
70
Irrigation League. The purpose of the league was to
organize additional local support for irrigation and to
maintain pressure on government officials. Throughout the
next few months members of the league kept irrigation
before the public and in addition carried out a successful
lobby in Ottawa demanding government action.

The convention chose a delegation to meet with
Prime Minister John Thompson to acquaint him with irrigation
principles and technology. Pearce made the arrangements for
the delegates' trip to Ottawa and shepherded them past
potential bureaucratic pitfalls. One of the members of the

68
The Calgary Herald, "Irrigation Convention",
March 9, 1894.

69
A leading role at the convention was taken by
C. A. Magrath, a close friend of Pearce who stayed at
Pearce's home during the convention. His views on
irrigation were similar to Pearce's. Pearce to Magrath,
February 27, 1884, Magrath Papers (PAC), Vol. 10. File 51.

70
The Calgary Herald, "Irrigation Convention",
March 9, 1894.

delegation, Richard Pilling, was an experienced irrigator and had taken out the first stream diversion permit for water from the St. Mary River in 1889. His was the first successful irrigation project recorded by the Department of the Interior and it was his "conversation that took the Prime Minister's ear".⁷¹ Pilling could talk from personal experience and his enthusiasm for his irrigation works had its effect on Thompson who promised that the irrigation legislation would be forthcoming during the next session⁷² of the House.

The Department of the Interior continued its study of irrigation legislation and prior to introducing the Irrigation Bill of 1894 took the further precaution of strengthening its hand by sending J. S. Dennis Jr. to the United States in January 1894 to study irrigation practices in California, Utah, Colorado and Montana. Prior to his visit he was asked to visit Pearce and to obtain his comments

⁷¹
WPP, "The Proposed Northwest Saskatchewan Irrigation Project".

⁷²
 Although one may suspect that the faltering Conservative administration may have agreed to the Bill to regain political support in the West there would appear to be no concrete evidence that the government's intentions on this Bill were insincere.

73

on American administrative techniques. On his return, Dennis, the Chief Inspector of Surveys, was to carry out the proposed water inventory of western Canada.

74

Dennis' report reiterated the conclusions that Pearce had reached from his observation of the American irrigation movement. There could be little doubt that the success of irrigation in the United States was due mainly to the suppression of riparian water rights. Where these rights had not been suppressed Dennis found mounting litigation between vested interests over the control and utilization of essential water resources. In Utah water was thought to be more valuable than land for without the water the land was worthless. He was now convinced that if Canada were to pass comprehensive and stringent legislation abrogating riparian rights, when so few vested interests were at stake, she would not experience the chaotic situation arising in the western United States from attempts to regain rights that had been permitted to

73

Burgess to Dennis, December 7, 1893; Pearce to E. Deville, Surveyor-General, December 6, 1893; P. Ruyley to Burgess, July 13, 1894; Burgess to Deville, January 27, 1894, Interior Survey Files 1310.

74

An account of Dennis' trip to Washington, Colorado, Utah and California, WPP, file 13.e.7.

75
pass to private individuals.

Dennis joined Pearce in stating that because
"water requires most careful control and administration"
it must be managed from a strictly legal standpoint or the
results would prove disastrous.⁷⁶
⁷⁷ They both urged the
government to act to acquire title to all unappropriated
waters in the West as any further extension of settlement
in the West would only complicate and hinder government
administration. Sooner or later all the dry lands would
be settled and then title to water rights would be extremely
valuable - too valuable to be entrusted to private enterprise.

The Minister brought the revised Irrigation Bill
before the House on July 23, 1894.⁷⁸ By its provisions all
water not already acquired by Act of Parliament or
appropriated, whether found in rivers, lakes, streams,

75
Dennis had earlier questioned the need to
suppress riparian rights as he felt that irrigation had
been successfully carried on elsewhere without it.

76
A report of Dennis' trip, March 10, 1894, WPP,
file 13.e.7.

77
"Legislation as applied to irrigation", An
address by Pearce to the Dominion Land Surveyors Association,
n.d., WPP, file 3.35.

78
HANSARD, Vol. xxxvii, p. 4948.

creeks, ravines or canyons, was declared to be the property of the Crown. Those who had previously acquired water rights were given six months to file a registration claim and to bring their operations within the requirements of the Act.

The government's main concern was over the question of riparian rights. It had been debated for twenty-six consecutive days in the New South Wales legislature and the department was fully prepared for a bitter and acrimonious debate. As Pearce later recalled "fortune favoured us" as the legislation was brought up for its second reading on the hottest day he could remember and "the members had not enough energy to discuss it".⁷⁹ Anyone with enough energy could "have moved the most villainous piece of legislation" and had it approved that evening. The entire⁸⁰ Bill took only two hours of the House's time.

The Northwest Irrigation Act of 1894 provided for government regulation and administration of all the water resources in the plains region. All private water diversion projects were to be examined by government engineers to ensure that they fitted into the region's overall development plans. When the government engineers found specific project

79

"The Proposed Northwest Saskatchewan Diversion Project and Some Reminiscences of Early Irrigation", WPP, file 13.A.1.

80

Idem.

proposals to be financially and physically feasible they were to be approved and details of the proposal made public. If no opposition arose to the project it would be inspected at critical times to ensure against deviation from the approved plans. The sole basis for decision on licenses for stream diversion was to be the benefits the project promised to Territorial development. In the case of equal competing claims priority right would prevail.

The Irrigation Act also made provision for a comprehensive water inventory of the plains. J. S. Dennis was assigned the responsibility for carrying the survey through to its conclusion. In less than three years the Irrigation Surveys had surveyed 223 miles of main canals, taken 1,296 miles of levels and elevations, made 3,811 miles of contour lines and completed detailed surveys of 44 possible reservoir sites.⁸² Meanwhile Dennis had begun a systematic collection of stream data on the quality of water in the mountain streams. All this data was superimposed on township

81

"Irrigation Legislation in Canada" A report by Pearce to the International Irrigation Congress, Denver, Colorado, 1894, WPP, file 13.D.4.

82

Interior Report, 1896, Part III, Irrigation.

83

maps provided to the public by the Lands Board. In addition Dennis' crews carried out feasibility studies of earlier proposals of Pearce to divert the St. Mary and Bow Rivers onto the plains. These feasibility surveys played an important role in convincing private enterprise that large scale water diversion projects drawing waters from the two rivers were not only financially sound but physically possible.

Continuing departmental study of the implications of irrigation for the plains region Burgess asked Pearce and Dennis to propose a suitable settlement scheme for the irrigable area. This area had been arbitrarily designated as the lands south of township 31 and west of the Missouri Coteau. Within this region there were thought to be 43,000,000 acres of semi-arid land in need of water. The amount of water available to the region was however only sufficient to improve 8,000,000 acres. This meant that the limited amount of water would have to be diverted to

83

"The Canadian Irrigation Surveys", A report by J. S. Dennis Jr. to the International Irrigation Congress, Alberquerque, New Mexico, 1895, WPP, file 13.d.4.

84

A memorandum on the hamlet system, c. 1894, WPP, file 13.B.2; A draft address on Colonization and Irrigation prepared by Pearce for the International Irrigation Congress, c. 1895, WPP, file 13.C.7.

locations selected as sites for small hamlets where it could be used for domestic and farming purposes. There, through sub-soil transference, the water would improve lands adjacent to the irrigated areas in a ratio of six acres improved for every acre watered. In this way the potential area of irrigated and improved lands would be over 58,000,000 acres, much in excess of the total area of the region.

Pearce had observed the hamlet system of settlement in Utah in 1881 and he felt it would be ideally suited for the Canadian West. Each hamlet would have from thirty to fifty families. In the central core the settlers could erect their buildings and establish their village and warehouses, creameries, loading platforms and institutional centers. Each family would be given 100 acres of irrigated land for the growth of feed grains and vegetables although only enough grain would be grown to supply enough winter feed for their cattle. Outside the irrigated tract a considerable area would be allocated for grazing. Because of its compact nature no part of the hamlet's land would be more than four miles from the core.

The primary purpose of the hamlet system was to increase the stock capacity of the plains rather than to augment cereal crop production. Through concentrated settlement and the most efficient use of land resources

Pearce estimated that the population of the arid belt could reach 1,000,000 compared to what he felt would likely be one-quarter of that number under the homestead system.⁸⁵

This greater density of population would quadruple the stock on the plains to over 7,000,000 animals. Moderate estimates of \$20 a head would therefore place the wealth of the cattle industry at a minimum of \$140,000,000 under the hamlet system.⁸⁶

Increased benefits from the hamlet system would also accrue to the settlers if they would combine seven hamlets lying within a six mile radius of each other. A large canal could then be constructed to link the hamlets and to serve as a transportation artery to carry produce to central processing plants. The settler's combined herd would be in the neighbourhood of 6,000 head which could produce seven tons of butter and other dairy produce every week for the urban markets of southern Alberta.⁸⁷

In order to proceed with the hamlet program

85

An address by Pearce to the Association of Dominion Land Surveyors, January 7, 1889, WPP, file 13.A.1.

86

Idem.

87

William Pearce, "Hamlet System of Settlement Combined with Irrigation", WPP, file 14.D.5.

Pearce recommended the adoption of a block system of land development. It would not be economically sound to continue with the grid system which inevitably saw an increase of unoccupied lands. With a solid block settlement plan there would be no vacant land and the per capita cost of construction of the irrigation works would be less.

The sudden flurry of irrigation activity in Canada had not escaped notice in the United States and the executive of the Third International Irrigation Congress extended an invitation to the Canadian Government to send representatives to their next annual meeting in September, 1894, at Denver, Colorado. Pearce and Dennis were asked to attend⁸⁸ and to deliver papers on Canadian Irrigation. Pearce's paper, "Irrigation in the Canadian Northwest" and Dennis' report on "Irrigation Laws in Canada" received⁸⁹ favourable comment. The congress heartily endorsed the provisions of the Canadian Irrigation Act abrogating⁹⁰ riparian rights and thus ensuring federal control of

88

Interior Report, 1894, Report of the Deputy Minister xxi, Documents relating to the Irrigation Convention, WPP, file 13.D.4.

89

A copy of the Denver Daily News, Monday September 3, 1894, p. 5 and Wednesday morning, September 5, 1894, WPP, file 13.D.4.

90

Interior Report, 1894, Report of the Deputy Minister xxi.

western water. The exchange of information on irrigation farming methods at the Congress and the opportunity to meet others interested in water management programs was to be of great value in the future development of the Canadian West. As an act of courtesy the Congress elected Pearce to the executive⁹¹ where he was one of four men appointed to the nominating committee.

At the Denver convention Pearce and Dennis were alarmed by talk among certain American delegates of plans to divert water from the St. Mary River before it crossed⁹² the International Boundary into Canada. It appeared that the United States Geological Survey had asked a Denver engineer named Follett to draw up plans for the possible diversion of the river onto arid lands in Montana. Pearce learned that Senator Power of Montana was advocating the scheme but he was fairly certain that J. J. Hill's Great Northern Railroad interests were behind it.

The American proposal was not new to Pearce. Charles Magrath, chairman of the Territorial Legislative Assembly's Irrigation Committee, had warned the Department

91

The Fourth Annual Irrigation Congress elected Dennis to the office of Vice-President in Albuquerque, 1895.

92

Pearce to Burgess, October 23, 1894, WPP, file 9.7.

of the Interior of just such an eventuality in 1892. Until now Pearce had not realized that the Americans were ready to take action which would jeopardize any plans Canadians had for irrigation on the southern plains. A similar situation had developed between the United States and Mexico over the use of waters of the Rio Grande River and at this conference the Canadian and Mexican delegates were able to have the Irrigation Congress pass a resolution asking for the establishment of an International Commission to adjudicate the competing claims. An identical resolution was also passed by the Congress in 1895.

On his return to Ottawa Pearce urged the government to take immediate action to secure the St. Mary water for use in southern Alberta by the Alberta Railway and Irrigation Company even if it meant the threatened diversion of the Milk River from its bed prior to its return across the border. He wanted the government at least to undertake canal and reservoir location surveys of all the international waters so that Canada would not lose its claim to them by default. Such surveys had on the insistence of Senator Power already been made in Montana for the proposed American diversion. He warned that if the American diversion became a reality it

would leave a large portion of the grasslands in the vicinity of Lethbridge non-productive owing to the inability⁹⁴ to provide them with water. Pearce forecast an economic collapse for the Lethbridge district if the water of the St. Mary were lost through inaction on the part of the Canadian Government.

The Department of the Interior asked the Justice⁹⁵ Department to investigate the Canadian rights. The Department of Justice reported that under international law the United States could legally do what it wanted with the river. Not only were all the headwaters in their country,⁹⁶ which under the Harmon doctrine gave the United States⁹⁷ sovereignty over the river, but Canada was not using them. A study of the United States treaties with Mexico over the

94

Pearce to Van Horne, June 25, 1895, WPP, file 13.C.6.

95

Burgess to E. L. Newcombe, Deputy Minister of Justice, March 20, 1895, WPP, file 9.7.

96

United States Attorney-General Harmon negotiated a treaty over the use of the Rio Grande in 1895 in which an agreement was made that the United States held sovereign rights over the waters of that river because its headwaters were entirely within the United States.

97

Pearce to Hall, Secretary of the Department of the Interior, January 7, 1895; Pereira to Pearce, December 11, 1894, WPP, file 9.7.

agreed allocation of water from the Rio Grande indicated that at present Canada had no claim to the St. Mary. In order to assert a claim Burgess authorized the Irrigation Surveys Branch to undertake immediate reconnaissance and feasibility surveys along the river.

E. L. Newcombe Q.C., the Deputy Minister of Justice, informed Burgess that under present circumstances Canada should seek a Treaty of Arrangement with the United States for joint utilization of the river. One way to preserve Canada's claim was to entice the Americans into a joint commission on the waterways affecting the two countries. Failure to reach an agreement on a diversion of the waters was likely to result in unilateral action by the Americans in their own interests. He also advised the Department of the Interior to establish a vested interest or a practical use of the river. Then Canada would have a legally justifiable claim on the grounds of civil rights. This would enable the government to fight the American diversion in the United States courts. Dennis even suggested publicity in United States newspapers to the effect that Canada was already going ahead with irrigation works on the Lethbridge Plains. He reasoned that such a subterfuge, though unfounded in fact, might forestall

99

American action. Calmer heads prevailed and Dennis' suggestion was discouraged.

No matter which way the search for Canadian rights turned there could be no escaping the fact that the headwaters of the St. Mary lay entirely within the United States and this gave the Americans absolute control over the river's course. The certainty that no matter what the cost of diversion would be the Americans, if they believed they could benefit from it, would procede. This led Dennis and Pearce to undertake to examine other rivers within the region for use on the plains. Contingency plans were drawn up for the diversion of the Waterton and Belly rivers into the St. Mary bed at the International Boundary if the need arose. This proposal offered the Galt enterprises an alternate water supply for their proposed irrigation program at Lethbridge.¹⁰⁰ Pearce also initiated a study of other international rivers in the West in the hope of finding some means of threatening retaliation and of persuading the Americans to modify their plans.¹⁰¹ Of these only the

99

Dennis to Pearce, June 25, 1895, WPP, file 9.7.

100

W. Whyte to Pearce, January 16, 1902; Pearce to Magrath M.L.A., August 5, 1895, WPP, file 9.7.

101

The other international rivers considered were the Rousseau, Red, Pembina, Souris, Milk, Belly, Waterton and Kootenay. Pearce to the Secretary of the Department of the Interior, June 26, 1895, WPP, file 9.7.

Red and the Souris rivers were of enough importance to be considered but owing to their transportation services to Winnipeg there was no hope of diverting their path.¹⁰²

At this point the matter was taken out of the hands of the Department of the Interior and its officials and placed at the highest levels of international¹⁰³ diplomacy. The British Ambassador in Washington,¹⁰⁴ Sir John Julian Pauncefote, was instructed to approach the United States government for the purpose of setting up a joint international commission to deal with the question¹⁰⁵ of international waters between Canada and the United States. The United States Secretary of State was interested in the proposal but it was some time before the commission was eventually set up. A treaty between the two countries to regulate international waters was signed on January 9, 1909. Under the terms of the treaty both countries were to

102

John McLean, "The International Waterways Problem in Western Canada 1900-1930", unpublished MSS, 1970.

103

Idem., The Privy Council was requested to take this step by the Minister of the Interior on December 13, 1895.

104

Pereira to Pearce, May 6, 1896; Copy of correspondence between J. Pauncefote and Lord Aberdeen, March 27, 1896, WPP, file 9.7.

105

Copy of correspondence between Pauncefote and Lord Aberdeen, March 27, 1896 informing the Governor-General that he had informed the United States Secretary of State of Canada's intent. WPP, file 9.7.

share the waters of the St. Mary and Milk Rivers.

Subsequent to Pearce's involvement with the St. Mary question, the American scheme was investigated by George Anderson, a leading American irrigation engineer, who in 1902 condemned the plan as totally impractical.¹⁰⁶ Anderson also condemned the American proposal to divert the waters from St. Mary Lake into the south fork of the Milk River. The south fork of the river enters Canada behind the Milk River ridge and crosses southern Alberta for a distance of 118 miles before re-entering the United States. Because of the height of the ridge Canada could not at that time usefully take water out of the south fork. This would rob Canada of the use of the waters of a river which flows mainly through her territory.¹⁰⁷ Anderson

106

Anderson to Pearce, August 27, 1902, Anderson's address to the Chamber of Commerce, Denver, Colorado, February 17, 1902 and a copy of a submission to the United States Congress representing the views of 16 arid States, n.d. n.p., WPP, file 9.7. Pearce expressed concern that the United States would proceed with their plans even though it would be uneconomical just for spite. He recognized the great power of the Americans to embark on such a scheme even for a minimal return. Pearce to W. Whyte, January 6, 1902.

107

The decision taken by the Department of the Interior in 1904 to dig a canal across the Milk River Ridge hastened the negotiations. The United States was forced to recognize that their planned diversion into the south fork would be to no avail if Canada could divert water from it.

warned that for the purpose of proceeding with a water diversion project in a remote area of Montana the promoters of the scheme seemed intent on fostering a possible conflict between friendly nations. Anderson stated that in his opinion the American "enterprise smacks of the most superficial examination coming from the hands of the most daring promoters and the errors of that class of irrigation development should not be repeated".¹⁰⁸ He branded the American proposal to deprive Canada of the waters of the St. Mary as "the refinement of malevolence".¹⁰⁹

The feeling between irrigationists in the two countries over the St. Mary problem ran high and was the cause of a rupture between the Canadian and American components of the International Irrigation Congress. Dennis had attempted to arrange for the Minister of the Interior, Clifford Sifton,¹¹⁰ to attend the 8th Congress in Chicago in order to place Canada's position before the meeting. The

108

Anderson's address to the Denver Chamber of Commerce, WPP, file 9.7.

109

Idem.

110

Maxwell to Mead, October 13, 1900, WPP, file 9.7.

President of the Congress, Mr. Maxwell, took the view that the Congress was not a Canadian but an American association and his executive felt it was inadvisable to have the Canadian Minister of the Interior present.¹¹¹ The cancellation of the invitation to address the Congress sent by Elwood Mead to Sifton caused a split in the executive of the Congress between the President, Maxwell, representing the East and Mead of Denver, representing the western interests.¹¹² The danger of becoming pawns in an internal power struggle resulted in the withdrawal of Canadian representatives.

The question of the St. Mary river diversion was a minor incident in Pearce's irrigation activities. After the passage of the Northwest Irrigation Act in 1894 his immediate concern was for his own Calgary Irrigation Company. Shortly after its charter had been granted on June 23, 1893, Pearce discovered that by building headgates a little further upstream on the Elbow River a very much larger area could be commanded by the company's works. The additional cost of construction appeared to be negligible in comparison with

111

Idem., Maxwell to Elwood Mead member of council and irrigation specialist of the State of Colorado, September 27, 1900.

112

Mead to Pearce, October 13, 1900, WPP, file 9.7.

113

Dennis to Pearce, October 26, 1900, WPP, file 9.7.

the greatly increased benefit from greater revenue. Under the new scheme over 45,000 acres could be irrigated from a main canal and the enlarged district was already settled by farmers intent on undertaking irrigation. Pearce welcomed the prospect of an expanded project for he was now convinced that if such a large scheme could show a profit eastern interests would be certain to consider investing their capital in dry lands reclamation projects. In August, 1895 the enlarged scheme received the verbal approval of the Minister of the Interior who also consented to the building of the main canal through the Sarcee Indian Reserve and the irrigation of 12,000 acres within the Reserve should the Indians decide to purchase water rights. The company was at the same time permitted to erect telegraph and telephone lines on its tract, a clause later granted to all similar projects by the Irrigation Act of 1895.

Pearce immediately started to acquire a compact block of land in the region. Some deserted farms were across the path of the main canal and in the name of the company requested transfer of their titles. When this was refused Pearce personally wrote to the Commissioner for Dominion Lands, H. H. Smith, asking why he has refused the transfer. Smith replied that he was unaware of Pearce's interest in the lands and he promised that matters would be arranged satisfactorily if Pearce would but furnish the local

lands agent with a list of desired properties.¹¹⁴ Up to this point Pearce had managed to keep himself divorced from the actual business operations of the company but as the work progressed he found himself becoming more involved with government-company relations. His increasing involvement in company affairs was to bring charges of conflict of interest against him in an effort to have him removed from the government service.

His friendship with the officials of the Canadian Pacific Railway Land Department paved the way for his company to obtain from the railway 1,730 acres of relatively barren land for the low but reasonable price of \$2 per acre. The company was to pay the railway ten per cent down and the remainder over an unspecified number of years. These lands were in dire need of water and had remained vacant for a number of years. Pearce did not consider the bargain especially favourable and the railway seemed eager to dispose of them.¹¹⁵ Nevertheless this arrangement appeared to others extremely favourable to Pearce and provided additional ammunition for the detractors who claimed he was using his influence as a government official for his

¹¹⁴

Smith to Pearce, November 6, 1893, WPP, file 22.129.

¹¹⁵

White to Pearce, January 11, 1894; Pearce to Bone, June 26, 1894, WPP, file 13.c.5.

personal advantage.

The first stockholders' meeting was held on March 5, 1894. The actions of Pearce, the Provisional President, were approved and he was asked to go to Ottawa to have the company's charter amended to provide for the enlarged program. Pearce was successful in confirming the Minister's verbal assurances of approval for his new scheme and he also received an extension on the completion time of the project from six to ten years.

116

Under the amended charter the company was permitted to capitalize at \$200,000. The shareholders decided to send Bone to Scotland to raise money through the sale of stock. Bone was thought to have family connections with monied interests in Scotland and the expectations for his journey were great. For the trip to be termed a success he would have to sell a minimum of \$45,900 in stock, the amount which would enable the company to extend the main canal to a point where irrigation could commence.

Pearce proceeded to file the revised project plans with the Irrigation Branch and he applied for a stream diversion license of 500 cfs from the Elbow River. He

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116

57/58 Vic. Cap. 106.

117

Cubic feet per second.

had calculated that there would not be over 40,000 acres above their headgates capable of irrigation and that a flow of 400 cfs should be reserved for that purpose. Because the average flow of the Elbow River was estimated at 1500 cfs during the irrigation season, May to June, this would leave 600 cfs in reserve for any future downstream works. In this way those above and below the headgates would be guaranteed enough water for their purposes. Pearce did not consider his additional stream diversion to be detrimental to any other interests.

118

When Pearce publicized his revised plans in the press and the Canada Gazette as required by the Irrigation Act unexpected opposition arose from settlers living along the north shore of the river across from the company's headgates. The settlers there feared the increased diversion would not leave them enough water for their own projected irrigation plans. Alarmed at what they considered to be the suppression of their riparian rights by a senior government official, 100 of them formed themselves into the Springbank Irrigation League to prevent the Calgary Irrigation Company from gaining what they feared was complete control over the entire river.

These settlers were on the verge of organizing

118

Pearce to Bone, May 12, 1894, WPP, file

13.c.5.

119
 themselves into an Irrigation District and they filed
 their own claim to divert 210 cfs of water from the Elbow
 River. They proposed to irrigate 21,000 acres of dry land
 north of the river and they asked that no rights be granted
 Pearce's company until the matter had been investigated and
 120
 a division of the river water made. The Department of
 the Interior referred the matter to Dennis who as head of
 the Irrigation Branch was responsible for the investigation
 of disputes over water rights. There was a good possibility
 that both projects would be approved as it was thought the
 121
 Elbow River held adequate water flow for both schemes.

Owing to Pearce's position with the company and the
 government the Minister of the Interior, T. M. Daly, decided
 to proceed slowly with the dispute and to sift thoroughly

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The Territorial Assembly passed an Irrigation
 Ordinance in 1894 which permitted settlers to band together
 in a district and mortgage their lands for irrigation
 construction to the extent of \$6 per acre. A district
 engineer would be appointed to divide the water rights and
 to set an annual tax rate that would support the project.
The Regina Leader "Legislative Assembly", September 13,
 1894.

120

Lawrence Burns, "Pioneer Irrigation Development
 in the Bow River Basin 1895-1920," Part III, 1960,
 unpublished MSS, GAFA.

121

Idem.

all the material brought before him. The Springbank settlers raised the cry of the poor struggling pioneer against the "bloated monopolists",¹²² and it was feared that a public debate could only further damage the government's prestige. A second reason for his hesitancy was the fact that the settlers had secured the legal advice of James¹²³ Lougheed, a staunch Conservative party member in Calgary. The prospect of offending the local Conservative Association by precipitate action so close to election time was politically unattractive.

Dennis' investigation indicated that the league's position was extremely weak while the company's position was impregnable as it had prior right to the water, having been licensed to divert before the league came into existence. In addition the company's project would be of benefit to more people and it would cover a larger area than that of the league. Also several settlers in the Springbank district had signed a counter petition begging not to be forced into a municipal tax arrangement to finance stream diversion when their lands could not possibly benefit from the irrigation proposals of their neighbours.

122

Pearce to Elwood Mead, State Engineer Cheyenne, Wyoming, March 18, 1896, WPP, file 13.e.5.

123

Pearce to Nanton, February 16, 1895, WPP, file 13.c.5.

The report cast doubt on the sincerity of the league's promoters when it was discovered that not 100 settlers but only 18 had been at the league's organization meeting, the rest being citizens of Calgary. Further at one point prior to the organizational proceedings five men had constituted themselves a public meeting to elect themselves as delegates to go to Ottawa to forward the league's plans.¹²⁴ Thus it was by no means certain that a majority of settlers in the Springbank district were in favour of the proposal.

Pearce was impatient with the delay caused by the league's opposition. Bone had been unable to sell stock abroad while the company's proposals were under government investigation.¹²⁵ Although he had been unofficially informed by the Minister of the Interior that the company would have its rights granted this knowledge was of no value in obtaining funds from financiers who would not act until a public statement was issued to that effect. A further delay in the company's application was caused by the death of Prime Minister Thompson which accelerated the

124

GAFA: "Springbank Irrigation League", unpublished MSS.

125

Pearce to A. M. Nanton, February 16, 1895, WPP, file 13.c.5.

126

disintegration of the Conservative government.

The conflict between the company and the league was renewed when the rumor spread that the federal government had decided to disallow the Irrigation Ordinance passed by the Territorial Assembly. The Calgary Tribune, whose editor, Alexander Lucas, was an advocate for the league, launched a vitriolic attack on the Superintendent of Mines, blaming Pearce for using his influence to have the Ordinance set aside so that his own company could gain the advantage. 127

The fact that the Ordinance, which permitted settlers to mortgage their lands at \$6 per acre for irrigation works, had not been disallowed but merely returned to the territorial government for revision was ignored by the 128
Tribune's editor.

126

Pearce to Bone, February 4, 1895, WPP, file 13.C.5.

127

The issues of the Calgary Herald and the Calgary Tribune between February 22 and March 30, 1895 are filled with editorials, which are highly colorful and at times libellous, on the subject of the dual applications. The Calgary Tribune, February 22, 1895 devoted an entire issue to an attack on Pearce under such headlines as: "Pearce vs. People"; "Act"; "Has Calgary a Conscience"; "Pearce must go".

128

The government's main objection to the Ordinance was the clause permitting lands to be mortgaged at \$6 an acre to finance irrigation works. The government felt this figure was excessive.

The Tribune opened the attack on Pearce by levelling several sensational charges against him as Superintendent of Mines and a senior official of the Department of the Interior. He was accused of conflict of interest between his highly paid government post and his involvement in the Calgary Irrigation Company. He had, it claimed, used departmental stationery and secretarial assistance for company correspondence and he had used his influence to acquire lands for the project at a minimum value despite legislation prohibiting him from ever engaging in real estate transactions. "Pearce has his position and ignores the law."¹²⁹

The charges were so patently false that Pearce at first did not deign to reply publicly to the attack. Instead he chose to inform the Minister of the Interior and the members of the House of Commons of his position. The crucial point in his defence was that what he had done was done openly with the full knowledge of his Minister and of Parliament. Nothing had been held back and his transactions had been made in full view of responsible officials. What he had done he had done with sincerity and the belief that the example his company would set in the

130
field of irrigation would induce others to follow.

In reply to the specific charges brought by the Tribune he informed his superiors that in his twenty-two years of government service he had never permitted his personal affairs to interfere with his duties as a civil servant. For every hour spent in promoting his own business he had spent thousands of extra hours in departmental work, for which he had received no extra compensation. All his real estate dealings had the full approval of Parliament when that body had incorporated his company in 1893 and renewed its charter in 1894. The lands he was alleged to have "taken" from the public domain had in fact long since passed from the Crown and were valueless waste unless water were applied to them. This his company proposed to do. If his scheme were speculative he wondered why the staff of the Tribune had not bought shares in the company if, as they claimed, such immense profits were to be gained. As far as the decision to refer the Irrigation Ordinance back to the Territorial Council this was not his decision but a matter in the hands of the Justice Department which had found many of the clauses

130

Pearce to James Sutherland M.P., April 20, 1895, WPP, file 13.d.2.

131

ultra vires.

Dennis, who had been in Calgary to investigate the competing projects, attended a meeting of the Springbank settlers on May 7, 1895, and much to the consternation of the government managed to raise the ire of the settlers. Dennis told Lucas that if the farmers would get up in the morning "and spend their time constructing an irrigation ditch, instead of wasting time listening to the damned nonsense talked by Lucas and his friends, they would not need an Irrigation Ordinance to enable them to get

132

irrigation". The Tribune's version read "if the damned Springbank farmers would get up before 9 o'clock in the morning and do some work, they would not need irrigation."

133

Dennis insisted that the Tribune had his denial in their hands before the editorial was printed but the paper had ignored his note. He claimed this was in line with the general conduct of the paper and he wondered how

131

The Justice Department objected to the arbitrary power of the district engineer to set tax rates and apportion the stream flow. These objections were met in the revised Ordinance. Burns Papers (GAFA) March 28, 1895; Instruction, from the Cabinet to the Lieutenant-Governor, C. A. Mackintosh, to repeal or amend Ordinance #6, 1894. In the meantime the Ordinance was not to be exercised. The amended Ordinance passed July 22, 1895.

132

Jacobson Papers (GAFA), pp. 12-14.

133

Idem.

long the people would support such a "blackguard sheet". The reputation of the western press was such that Daly readily accepted Dennis' version of the incident and informed him that he had not given a particle of credence to the Tribune's account.¹³⁴

While in Calgary Dennis talked to two of the Springbank trustees and pointed out to them that under the Ordinance they would be required to pay \$6 per acre or \$960 per quarter section as a capital mortgage tax on irrigation works and an additional \$1 per acre per year maintenance costs. The two trustees were startled by these figures which indicated that the financial picture of their proposal was indeed precarious. Dennis pointed out it would be far better for them to build their own works with their own labor and thereby reduce the exorbitant construction costs.

At this point Burgess informed Pearce that an impression was being created by the press that the Calgary Irrigation Company was the personal property of the Pearce family.¹³⁵ A certain amount of odium emanating from the prolonged dispute was certain to cling to the Department of the Interior and he cautioned Pearce that his office

¹³⁴ Burgess to Dennis, June 11, 1895, WPP, file 13.d.4.

¹³⁵ Burgess to Pearce, November 7, 1894, WPP, file 13.d.2.

must not bear the shadow of a doubt over the question of a
 conflict of interest.¹³⁶ He asked Pearce to send him a
 full statement on his actions to help clarify his position.

Pearce assured Burgess that his position was
 legally and morally impregnable. If he were dishonest, he
 argued, he would never have had his name come forward as
 president nor would he at his own financial risk have
 started a company on an experimental basis to help solve the
 drought conditions in the West.¹³⁷ He had created the
 company in a vacuum of public opinion when the settlers were
 apathetic and indifferent to his proposals, and he could see
 no reason why he should be forced out of its direction at
 this point. "The Tribune", stated Pearce, "was wide of the
 mark and ignorant of the facts".¹³⁸

In an effort to gather public support Pearce
 encouraged a counter-petition among settlers who would be
 served by his company's scheme. He engaged U. P. Pratt to
 start a petition calling for the government to approve his
 plan to ensure the future prosperity of the people living
 south-west of Calgary who had found farming impossible

136

Idem.

137

Pearce to Burgess, November 13, 1894, WPP,
 file 13.d.2.

138

Idem.

139

because of the persistence of the drought. This petition underlined the need for quick action lest the properties be abandoned by disillusioned settlers and thus revert to their former uncultivated state.

140

The final decision to approve the company's plans and deny the Springbank project was based on Dennis' investigation, which had shown the company's position to be unassailable. The Department of the Interior had withstood the pressures of the Conservative Association of Calgary and made its final decision on legal and practical grounds with a view to proving to the business community that it would not be swayed by popular opinions and would choose the correct course of action. Political reasons had delayed the decision but the government maintained the principles of the Irrigation Act and was now prepared to stand by its responsibility to administer the riparian water rights.

141

In advising Lougheed of his decision in favour of the Calgary Irrigation Company Daly telegraphed him that he

139
Copy of the petitions presented by settlers on behalf of Pearce interests, WPP, file 13.d.2.

140
Idem.

141
Pearce to Nanton, February 16, 1895. Some members of Parliament wanted to delay the decision until after the election, WPP, file 13.C.5.

considered it unfortunate "that political backing was given
 the Springbank case in what was strictly a legal and
 departmental decision".¹⁴² He ordered the local Conservative
 Association to drop their interference in what was a
 non-political matter. The claims of the Springbank League
 would be valid only in the event of the company's default.¹⁴³

Daly also wrote J. B. Smith, the Secretary of the
 Liberal-Conservative Association of Calgary, concerning its
 role in the dispute. Daly pointed out that it was to be
 greatly regretted that the association had intervened in a
 question which was to be wholly decided in strict accordance
 with the law. "If there is one merit more than any other
 which the grand old Conservative Party can claim as opposed
 to the Grits, or which was more faithfully adhered to by
 their great Chief in political adversity as well as political
 prosperity, it is the respect which they have always been
 ready to accord to the laws of the country."¹⁴⁴ Daly reminded
 Smith of a similar situation in 1881 when Sir John A.

142

Copy of a telegram from T. M. Daly to Lougheed,
 n.d., WPP, file 13.d.2.

143

Idem.

144

Daly to J. B. Smith, Secretary of the Liberal-
 Conservative Association of Calgary, March 1, 1895; Daly to
 Mayor W. F. Orr, March 1, 1895, WPP, file 13.c.4.

Macdonald was attempting to have the Canadian Pacific Railway built. Up till the time he had proposed the railway no one had come forth to build it. Then after his proposals were made there were many patriotic men who were "ready and willing" to do the same work at a lower cost. The Calgary Irrigation Company had acquired legal rights to the waters of the Elbow River with the full knowledge of Parliament and it would have injuriously affected the credit of the government if any personal consideration had denied them these rights.

Although Daly had vindicated Pearce he was not willing to approve his further participation in private business to the embarrassment of the government. For the good of the department Pearce was ordered to divorce himself from all matters associated with the company. He was further ordered to dissolve his ties with the company immediately and to sell his shares in the company as soon as possible.

In compliance with these directions the company was reorganized under the direction of P. A. Prince, Manager of the Eau Claire and Bow River Lumber Company, who had

145

Idem.

146

Pearce to Louisa Meyer, July 3, 1895, WPP, file 13.A.1.

purchased a portion of Pearce's stock, and A. E. Cross, Manager of the Calgary Brewing Company. The new directors had no connection with Pearce outside their common financial interests within the company.¹⁴⁷ By the end of the summer of 1895, Pearce had severed his administrative connection with the company but he was unable to sell the majority of his stock¹⁴⁸ and when the company went into bankruptcy in 1907 he and his family still retained a considerable amount of company certificates.¹⁴⁹

Pearce rationalized his bitter feelings over the loss of the company by attempting to convince himself that his departure at this time might be a blessing in disguise in that he could do more for it from the government's side. The Liberal victory in 1896 however brought Frank Oliver to a position of power and Pearce was unable to render the company any further assistance. To Oliver, he wrote Bone,¹⁵⁰ "I may be the red flag to the bull."

147

Correspondence and papers of the Calgary Irrigation Company, WPP, file 13.d.5.

148

Pearce to Daly, March 6, 1896, WPP, file 13.C.5.

149

The Company was dissolved into bankruptcy March 16, 1907, WPP, file 13.D.5.

150

Pearce to Dennis, October 28, 1897, WPP, file 13.D.2.

In the annual report of the Department of the Interior for 1895 Pearce mentioned that an exceptionally heavy rainfall and cold weather had plagued the West that year. Two years later he reported that some irrigation projects were still being pressed forward despite the fact that they had sustained considerable damage from
¹⁵¹unprecedented early summer floods. The return of the rains and the floods of 1897 dampened western enthusiasm for irrigation. It was expensive and the care needed to operate miles of canals was time consuming. Settlers who had been so recently in favour of irrigation during the drought now gladly turned to dry land farming. They refused to pay for contracted water rights when they were not needed. Without iron bound contracts stipulating yearly payments irrigation promoters were unable to collect rental fees from the settlers and were thus not able to meet loan payments at the banks. This forced them into bankruptcy. Whereas in 1898 there were 117 licensed irrigation projects whose total proposed area of irrigation was over 103,000
¹⁵²acres at an estimated expenditure of \$257,000 by 1904 only the largest of the irrigation companies were in

151

Interior Report, 1897, Report of the Superintendent of Mines.

152

Dennis to Sifton, October 28, 1898, WPP, file 14.H.6.

operation.

The preference of the settlers for the easier, less expensive dry land farming methods brought the initial experimental stage of irrigation promotion to an end. During this early period irrigation projects had been developed by individuals and small private companies. These could not withstand the financial burden imposed upon them by the return of the wet years in which they could not rent their water rights. It was obvious that future irrigation systems would have to be large enough to withstand the financial responsibilities involved in large scale capital work construction over a period of wet years when the canals would not be used. It was likely that large scale government aid would be required for any such future projects. That there was a future for irrigation in the West had however been successfully demonstrated by the ability of irrigators to bring forth abundant crops during periods of drought.

CHAPTER VI

THE CANADIAN PACIFIC RAILWAY'S IRRIGATION BLOCK

In retrospect Pearce could see that the major reason for the failure or success of irrigation projects lay in the relative ability of irrigators to acquire the needed capital with which to finance the construction of water works. The cost of digging and maintaining the main canals and laterals and the cost of erecting expensive headgates which would control the flow of water into the canal system formed the major part of this expenditure. From his own experiences he was fully aware of the nature of the crushing initial debt which had to be incurred before any water reached the irrigable tracts.

Too often the individual irrigator was unable to purchase the proper headgate equipment with the result that when his makeshift construction was beset by high water during the spring runoff or in periods of freshets the gates would give way permitting the uncontrolled water to pour through his system, destroying ditches and canals and flooding the low lying lands. Once destroyed these works were almost certain to be abandoned because of the financial inability of the individual to reconstruct his system.

A more realistic approach would have to be found that would permit the financing of irrigation schemes in such a manner that crushing financial responsibilities would not be placed on the individual. Instead of the proliferation of small uneconomical schemes scattered across the plains area Pearce proposed the creation of comprehensive regional land development programs covering hundreds of square miles in which the administration within each region would systematically develop the water resources available to it. With sufficient capital from eastern interests the regional land management program could provide for the construction of dams along the foothills to protect against flooding and to provide reservoirs of water for use during periods of drought. Within the area covered by such a land management program, settlement could be regulated to ensure a density sufficient for the profitable expansion of railway communications along pre-planned routes. The eastern financiers would receive a return on their long term investment through a combination of increased land sales and the sale of water rights to the individual settler during the dry periods.

The growing support for irrigation throughout western Canada in the early 1890's provided Pearce the opportunity to press upon the officials of the Canadian Pacific Railway the financial benefits to be gained from

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irrigation on the western plains. Apart from the federal government the railway was thought to be the only other institution involved in the development of the West capable of undertaking comprehensive programs of this magnitude. Pearce was certain that irrigation projects could in time be self-supporting and that the railway should anticipate substantial financial gains.

Many of the initial costs ordinarily incurred by irrigationists would not accrue to the railway. It had the capital required to push ahead with large scale development and could secure long term loans at low interest rates. The cost of land acquisition would be minimal because the railway already had title to the odd numbered sections of land in the semi-arid tract by virtue of its land grant and Pearce was certain that he could arrange for the railway to obtain the title to all the even numbered sections as well as the lands reserved for school purposes and the Hudson's Bay Company. The railway already had its own engineering and survey staffs which could plan the development of the block and it owned the heavy equipment needed for the construction of canals and headgates. In addition there was always the possibility that the settlers would be more than willing to provide the manual labor

1
Pearce to Ruttan, January 26, 1894, WPP, file 22.115.

needed for construction in return for a reduction in the purchase price of their lands or lower water rates.

The result of such financial advantages would be a minimal per capita cost which could be paid for by a direct charge on land sales and water rentals as low as \$2 an acre. The returns to the company would not only accrue through the sale of waste lands but also through the increased freight and passenger traffic along rail lines built into the irrigated block through pre-determined areas of high density settlement. Pearce felt that the railway could even lower the price of the land and accept only the increased profits from rail traffic but the president, his old friend Van Horne, knew that the Board of Directors and the railways' stockholders would demand a return on the land sales as well.

Pearce urged Van Horne to do his utmost to have the directors reverse their anti-irrigation stand. He maintained that now the public had become more aware of the benefits of irrigation the railway's argument that talk of irrigation would hinder immigration was no longer valid. Indeed it was the very immigrants who had been brought West by the Canadian Pacific in ignorance of the semi-arid condition of the plains who were now most vocal in their support of irrigation. Secure in the knowledge that they had witnessed the ability of irrigators like himself to

overcome semi-arid conditions such dry lands no longer were a deterrent to settlement and the increase in yields of irrigated lands made them most attractive. Van Horne, who had always been sympathetic to Pearce's views and whose knowledge of irrigation practices often amazed him, promised to see what he could do but feared the directors would not² move to take any action at this time.

Although the directors were not interested in irrigation per se, Pearce knew they were desperate to close out their land grant. In 1889 Pearce in company with J. T. L. Meyer, James Dowker and R. S. Cook had examined the lands rejected by the railway from their land grant as being in a material way unfit for settlement. This survey brought forward the disturbing information that the railway was some four million acres short of what it was due. In the face of increasing public hostility towards the preferred position the railway was thought to have in the Territories both the government and the company were anxious to complete the selection of the lands granted under the agreement of 1882. Pearce proposed that the deficiency could in part be made up by the railway accepting a block of land sufficiently large to make good the deficit. The company's agreement to irrigate such a tract would give the

government an excuse to transfer to the railway such designated lands en bloc. It was the possibility of closing out the land grant that eventually was to persuade the railway to investigate Pearce's proposals.³

Pearce's plan called for the transfer to the railway of title to lands lying in a block, 170 miles long with an average width of 41 miles, east of Calgary along the Bow River.⁴ This area encompassed 4,500,000 acres of which two million were thought irrigable. Pearce termed his proposal the Bow River Scheme. Van Horne took the Pearce proposal to his Board of Directors where he presented it to them as his own in an effort to give it more weight.⁵ The directors were interested in the land grant aspect and decided to study the possibility of diverting the Bow River at Calgary onto the lands lying to the east

³ The railway was aware of the implications for its preferred position should the Liberal Party come to power. In view of the faltering Conservative regime the railway officials eagerly grasped the opportunity to make good their land claims.

⁴ The block included lands north of the Bow River, east of the 5th meridian to ranges 18 & 19 west of the 3rd meridian and south of the North Saskatchewan River and Red Deer River. Pearce to Hall, October 1, 1895, WPP, file 13.C.6.

⁵ Pearce to R. Hughes, March 14, 1916, WPP, file 13.A.1.

and authorized the expenditure for preliminary surveys⁶ in January, 1894. At this time Pearce, the Deputy Minister of the Interior, and railway officials Clarke, Drinkwater and Van Horne, examined the many facets of the Bow River⁷ Scheme.

The Bow River project had first been conceived by Pearce as a result of a trip he had made along the main line of the Canadian Pacific from Calgary to Medicine Hat with William Whyte, then general manager of the railway. They were in search of possible water reservoir facilities⁸ for the company's steam engines. It was difficult to obtain water for the locomotives east of Calgary but Pearce calculated that a dam at Bassano could by means of gravity

6

A report of the total amount of land subsidies earned by the Canadian Pacific Railway in construction of the main line, Souris Branch and its Pipestone extension. These were 18,206,986 acres, 1,408,704 acres and 200,320 acres respectively. The Canadian Pacific Railway had earned additional lands from its control of the Manitoba South-Western Colonization Company Railway, 1,396,800 acres; and Saskatchewan and Western Railway Company, 98,880 acres. Privy Council Report, August 22, 1903.

7

Pearce to Ruttan, January 26, 1894, WPP, file 22.126.

8

"The Proposed Northwest Saskatchewan Irrigation Project and Some Reminiscences of Irrigation in Western Canada", A report by Pearce to the Western Canada Irrigation Association, August, 1919, WPP, file 13.D.3.

flow direct water from the Bow River to water towers situated along the tracks. A subsequent detailed survey indicated that a dam 45 feet high at that point would raise the water to an elevation which could command 1,800 square miles of arid prairie land to the south and east. The implications of such a proposal were not lost on Pearce who suggested that the railway should immediately consider the development of a comprehensive irrigation tract for the district.⁹ He continually urged the company to take an interest in such a scheme but until 1894 the railway was interested only in obtaining water for its engines.

The initial exploration surveys of the Bow project were carried out in 1894 by government surveyors in the company of Mr. Doupe, an officer of the railway's Land Department. The preliminary survey indicated that the best place to divert the Bow River would be close to Calgary where the Calgary and Edmonton Railway crossed the river. A diversion there would permit the main canal to be close to ground level. This would result in sufficient elevation of the canal to permit it to command over two million acres of arid land. By using initially old coulees and dried out stream beds it would be possible to channel the water as far east as Medicine Hat with no need to provide for a cut

of more than 20 feet.

Pearce was prepared to arrange for the diversion of the entire river if it was essential to the acceptance of his proposal. He calculated that there would be enough underground seepage back into the empty bed to take care of any water users downstream. He urged the railway to take immediate action to acquire the required lands before rumors of the scheme caused a rush of settlers onto the tract.¹⁰

When Van Horne learned of the results of the survey he remarked that he would make the country "fairly stink with blossoms through irrigation".¹¹ At his behest the company proceeded to file applications with the Irrigation Branch for stream diversions at Banff, Kananaskis, Logan, Calgary and Crowfoot Crossing. Van Horne then ordered more detailed surveys of the proposed block for the following summer.¹² At the same time Pearce

¹⁰ At this time there were 38,000 acres within the tract claimed by settlers. A copy of the Privy Council Report 1903, WPP, file 13.D.2.

¹¹ Pearce to Dennis, February 12, 1895, WPP, file 22.35.

¹² "Pioneer Irrigation Development in the Bow River Basin 1895-1920," A report to the Glenbow Foundation by Lawrence Burns, July, 1960, pp. 14-25, GAFA.

reserved from homestead settlement and sale all the unclaimed public lands within a 24 mile distance on either side of the main line between Calgary and Medicine Hat. The railway then submitted proposals to the Minister of the Interior indicating a readiness on the part of the company to negotiate arrangements to close out its land grant through the receipt of lands east of Calgary en bloc.¹³

Negotiations for the transfer of the lands en bloc to the railway were broken off early in 1895 owing to the insistence of the railway on obtaining clear title to water rights from the Bow River before construction started.¹⁴ The Department officials, including Pearce, felt that the railway could guarantee their water rights under the North West Irrigation Act of 1894, which would ensure that irrigation projects were in fact carried out. This the company was not prepared to do as under that Act there was a ten year time limit for completion of projects. After the expiration of the ten years all unimproved lands would revert to the Crown. The company was not prepared to make this commitment and chance losing its lands if it could not

13

Privy Council Report, September 21, 1897;
Pearce to Van Horne, June 23, 1894, WPP, file 13.a.1.

14

Privy Council Report, No. 1434, August 22, 1903, WPP, file 13.a.1.

15

complete the program by that time.

The government then proposed to guarantee water rights amounting to 2,000 cfs at low level and 6,000 cfs at flood time to the railway and was prepared to augment this by diverting additional waters to the block from the Red Deer River. With these assurances the project would probably have gone ahead at this time had it not been for a financial crisis faced by the company as a result of a general world business depression which saw its stocks weaken and the company management forced to reduce the salaries of its employees. Van Horne told Pearce that the directors had not altogether lost interest in the project but felt they would have to shelve the scheme until the company's financial situation improved.

16

In the meantime the directors asked that a more detailed cost analysis of the scheme be prepared from government topographical surveys of the district to ensure that it could in fact be irrigated. Before making a final decision they wanted an analysis of the amount of water available from the Bow River as they did not propose to go

15
Van Horne to Pearce, July 20, 1895, WPP, file 13.c.6.

16
Pearce to K. Hughes, March 14, 1916, WPP, file 13.d.2.

ahead with the plan only to find the proposed government diversion would be too small to irrigate the entire block.

Pearce calculated that the necessary location surveys of canals and main laterals could be carried out by the railway for as little as \$1,000. The information gained from such a survey would prove invaluable in future if the railway decided to go ahead.¹⁷ Van Horne told Pearce that the Canadian Pacific was unable to proceed along these lines but that he would welcome any information that the government surveyors could furnish him from the reports of the general irrigation surveys being conducted¹⁸ by J. S. Dennis Jr., the Chief Inspector of Surveys. The Department readily complied and in the autumn of 1895 Dennis carried out a survey of the proposed block which indicated that a 40 mile canal moving east from¹⁹ Calgary could command an area of 2,304,000 acres.

While Dennis was carrying out the survey of the Bow project Pearce met with the railway officials in Ottawa to encourage them to begin work but the railway men were

¹⁷
Pearce to Van Horne, June 25, 1895, WPP, file 13.c.13.

¹⁸
A report by J. S. Dennis on his irrigation study in United States of America.

¹⁹
Privy Council Report, No. 2718, September 21, 1897; OIC May 15, 1895, WPP, file 13.c.13.

not prepared to go ahead with the project until after the general election of 1896. In the meantime Van Horne asked Pearce if he would do him a small favour. He was interested in purchasing some lands in the proximity of Bismarck, North Dakota for the possible extension of the Soo Line from Kulm to Bismarck, a distance of 120 miles, in competition with Hill's Great Northern line. Van Horne had found discrepancies in the assessed value of the lands and he wanted an experienced evaluator from outside to give an independent opinion. He promised Pearce that he would remunerate him for his time and efforts in such a way that his enemies could find no fault. He realized that in accepting the offer Pearce would be again placing his growing reputation as a friend of the railway interests under public scrutiny.²⁰

Pearce applied to the Department of the Interior for a ruling on whether he could go. He was concerned that his work would be construed by his enemies as private work done by a senior Canadian government official in a foreign country. This could lead to all kinds of embarrassing publicity and complications if his purpose were ascertained. To soften the expected criticism he suggested that he

use his holiday time for this work. Although he would have the railway pay his expenses he would not receive any honorarium from the railway so that his trip would not appear to be at the expense of the taxpayer.

Burgess replied for the Minister of the Interior that under the terms of his employment there was nothing prohibiting him from going or accepting remuneration if he so desired. Indeed it would be a good thing if Pearce were to thus oblige Van Horne. He doubted however the wisdom of accepting cash payment, especially as Pearce was already performing unique services by way of land evaluation for the government in the matter of examining Canadian Pacific Railway lands scheduled by the company for rejection. He warned Pearce that this information could be used by his enemies against him, as Van Horne and Pearce would appear to²¹ be close business associates in the Bismarck venture.

Pearce told Van Horne that he would be happy to oblige him but that bare expenses would be all he could accept by way of remuneration. His enemies would see to it²² that no additional favours were given him. Before final

21

Burgess to Pearce, February 8, 1896; Burgess to Daly, February 18, 1896, Interior Records, 399218.

22

Pearce to Van Horne, March 10, 1896; Pearce to Burgess, March 3, 1896, Interior Records, 399218.

arrangements could be made the Conservative Government had fallen but Pearce was able to obtain approval for the trip from the Liberal Acting Minister of the Interior, R. W. Scott. He left for the United States on August 18.

The Liberal victory at the polls was accompanied by a large scale turnover of civil service staff under the recognized patronage system.²³ The new Minister of the Interior was Clifford Sifton who was immediately besieged by loyal Liberals demanding jobs formerly held by Conservatives.²⁴ The man who was most vigorous in promoting such changes in the Territories was Frank Oliver,²⁵ Pearce's nemesis. With Oliver's party in power it was unlikely that Pearce would remain in the government service for any length of time.

Oliver had vigorously attacked Pearce's development policies during the election campaign to attract the settler's votes. His opposition to Pearce centered on

23

Laurier Papers (PAC), 7387-91, 7525-27.

24

J. H. Ross to Sifton, October 28, 1896, Sifton Letter Books (PAC).

25

Ibid., J. H. Ross to Sifton, December 23, 1896. The rush to fill patronage appointments was so vigorously prosecuted that Oliver even appointed men outside of his riding. This irritated Ross who complained to Sifton that he understood it was usual for the sitting member to be consulted on patronage appointments in his own riding.

26

the Lands Board's handling of the Fred Burton case.

Burton had arrived at a freshwater spring in 1891 and his herd had since grown to over 75 head which would almost entitle him to be called a rancher. He had suddenly found himself evicted from the springs on the pretext they were being withdrawn from settlement as a stock water reserve. He wrote to Oliver about his eviction to ask the Liberals what they were going to do about the high handed attitude of certain officials in the Department of the Interior towards

27

men such as himself. The fact that he was squatting on unsurveyed lands on a stock water reserve did not lessen his feeling of outraged innocence. When he started his farm he had noticed no range cattle within miles of the watering holes and had thus assumed it was homestead land. He felt that the homestead inspector who had tried to evict him was undoubtedly in the pay of Mr. Pearce "who works against the smaller farmer in favour of the ranchers".

28

Oliver had long since taken issue with Pearce's policy of stock reservations. To him these extensive and

26

Oliver to R. W. Scott, October 29, 1896, WPP, file 20.9.

27

F. Burton to F. Oliver, October 20, 1896, WPP, file 1.B.8.

28

Idem.

all inclusive water reservations acted as a detriment to immigration owing to their denial of the basic necessities of life to the settlers. There was no doubt in his mind that Pearce's policy had benefitted the ranching industry but Oliver felt that this was wrong. He believed the West should be populated with farmers and that Pearce and the stock reserves would have to go. The Burton case was to him a prime example of government action detrimental to Territorial growth. He championed the settlers' cause with a vengeance. He wrote to Burton giving him his support and explaining that he too had had dealings with the arbitrary Mr. Pearce over land matters in Edmonton where that official had forced him to take down some improvements erected across new property lines drawn for Edmonton. Oliver's clear and pronounced antagonism towards Pearce was only too evident.

Oliver argued that Burton's sizeable herd made
 29 his eviction irresponsible. After the election in a speech in Calgary he promised to bring Pearce before the Bar of the House of Commons to answer for his actions in
 30 evicting helpless settlers from their hard won homesteads.

29
 Oliver to Scott, October 29, 1896, WPP, file 1.B.8.

30
 Pearce to A. Meighen, March 22, 1919, WPP, file 22.89.

In October he told R. W. Scott, Acting Minister of the Interior, that he had uncovered another case in which a settler was "clubbed out of the country" ³¹ on pleas of making a stock water reserve. In view of the number of settlers who complained they had been driven off their locations it appeared to him that the Department of the Interior should stay the hands of their apparently ³² irresponsible officials in their attack on actual settlers.

Oliver's feelings towards Pearce clouded his actions on behalf of Burton. In Ottawa he was given access to the files of the Burton case where the records ³³ told a different story. W. A. Thompson, the Acting Homestead Inspector, had visited Burton's district in the spring of 1895 to locate possible stock watering reserves. He had found no evidence of Burton's "large" herd. In fact Burton had explained to him that he had sold his stock preparatory to returning East. As Burton's claim controlled access to several fine springs Thompson recommended its reservation. That June and in July, 1896, Pearce visited

³¹
Idem.

³²
Oliver to Scott, October 29, 1896, WPP, file 1.B.8.

³³
A copy of the correspondence and papers of the Burton file, WPP, file 20.9.

the district but could find no trace of Burton or his herd on either visit. Burton had announced to his neighbours that he was abandoning his claim and in view of the information available to Pearce he had no qualms about designating it a stock watering reserve. When he could find no legal cause for complaint against Pearce, Oliver dropped the charges. But he refused to apologize when Sifton asked him to do so, explaining that he had merely reiterated the facts as he saw them and was therefore not responsible for any inference the general public might draw. 34

Unable to attack Pearce directly he began a program of action designed to reduce what he considered the excessive number of stock water reserves and open these areas for settlement. Ironically under the pressure of a ranchers' lobby Oliver was within a year to reverse his stand on 35

stock reserves and to promote their retention.

Initially Pearce had considered resigning from the government service upon the Conservative defeat but when his friends suggested this might be interpreted as giving up under fire he acted energetically to thwart

34

T. M. Daly to Pearce, November 5, 1897, WPP, file 22.89.

35

Sifton to Burgess, February 19, 1897, Sifton Letter Books (PAC).

Oliver's plans to have him removed. He requested a meeting with Sifton to lay his record before the Liberal Minister of the Interior.³⁶ A meeting between the two men in November was inconclusive. Sifton gained the impression that Pearce was a man of great ability who did his work well but who had unfortunately made himself "most obnoxious" to the people in the West.³⁷ Although Sifton expressed a desire to do full justice to Pearce he would not have anyone stand in the way of western settlement especially owing to lack of tact in dealing with immigrants.

By the end of December Sifton still had not reached a decision on what to do about Pearce. He had received a glowing report on Pearce from Van Horne but this was only to be expected. He asked Oliver for his advice.³⁸ As he was aware of Oliver's opposition to Pearce he was not surprised when he demanded immediate dismissal.

Sifton now had two opposing views on Pearce, one that he was a self-seeking man who pursued his own ends

36

Pearce to Sifton, November 23, 1896, WPP, file 22.126; Sifton to Pearce, November 23, 1896, Sifton Papers (PAC).

37

Sifton to Van Horne, December 30, 1896, Sifton Letter Books (PAC)

38

Sifton to Oliver, December 23, 1896, Sifton Papers (PAC).

without scruple and the other that he was an honest official with firm convictions which made him unpopular among a group of vocal settlers.³⁹ In the end Sifton decided to retain Pearce. His decision was due to the fact that he had found Pearce to be a clever and valuable servant with an exhaustive knowledge of the West whom the government could not easily replace.⁴⁰ With Sifton's qualified support, Pearce was retained but he was cautioned that in future he must be more tactful when dealing with the public and must try to give information to prospective settlers in a more pleasing manner.

In November, 1896, Pearce had sent Sifton a synopsis of the planning of the Bow River Scheme. The magnitude of the project impressed Sifton who could see many advantages in it. He fell into step with the project and promised to aid in every way especially in enlisting the active participation of the Canadian Pacific Railway.⁴¹

Pearce had already brought to the railway's

39

J. S. Dennis to Pearce, February 18, 1897, WPP, file 22.126; Sifton to Oliver, January 13, 1897 and February 1, 1897, Sifton Letter Books (PAC).

40

J. S. Dennis to Pearce, February 18, 1897, WPP, file 20.126.

41

Pearce to Hull, November 16, 1896, WPP, file 20.9.

attention the Mormons' expansion of their irrigation works on the Lethbridge Plains along the Milk River ridge. They had started to dig the "Pioneer Canal" on October 13, 1894 and water from the St. Mary River had been diverted into the ditch on July 28, 1896, just a few months after the Calgary⁴² Irrigation Company began operations. Their expanded plans called for the irrigation of 200,000 acres of land between Stirling and Lethbridge. The Alberta Irrigation Company, originally the Northwestern Coal and Navigation Company and later the North West Irrigation Company, which was a subsidiary of the Galt enterprises had undertaken to construct the main canal. The company had agreed to pay the Mormons \$100,000 for their labor in digging ditches and canals and also to bring the Mormons into Canada free of⁴³ transportation charges. In return the Mormons promised to buy enough land to make the project mutually profitable. The enlarged works were started in the fall of 1898 after government surveys had located the main canal and after government feasibility studies proved favorable. Water was delivered to Stirling in the fall of 1899 and to Lethbridge in 1900 thus opening for settlement large areas

42

A. James Hudson, Ora Card: Pioneer and Colonizer (Cardston: by the author, 1963), p. 139.

43

Card, p. 143.

in southern Alberta.

Pearce used the Mormon success to redirect the attention of Van Horne and Thomas Shaughnessy, shortly to replace Van Horne as president of the railway, to the Bow River Scheme.⁴⁴ Government surveyors under Dennis had located a route for the main canal which would be capable of commanding 3,800,000 acres of fertile lands between the forks of the South Saskatchewan and Red Deer Rivers. Of this 2,500,000 acres were thought irrigable.

In the fall of 1899 railway and government officials reopened negotiations on the Bow scheme and Pearce was called to Ottawa to help present the government's case to Shaughnessy.⁴⁵ These talks helped to convince Shaughnessy that the scheme was economically feasible and that it stood a good chance of being able to provide greatly increased traffic for the railway. The traffic would not be seasonal as was the grain trade but the greatly increased density of population would provide year round passenger and freight traffic. Sifton was so enthused about the outcome of these meetings that he predicted Calgary would reach a population

44

Pearce to Van Horne, December 6, 1897, WPP, file 13.C.13.

45

Data on surveys of the proposed irrigation block, WPP, file 13.c.13.

of 100,000 within ten years of the project's start.⁴⁶

The government and railway agreed to carry on further joint surveys and to prepare a detailed engineering cost analysis of the project in preparation for the start of construction.⁴⁷ The railway's directors insisted that an independent engineering report should be prepared apart from the surveys of the Irrigation Branch and their own Lands Department both of whose employees were now believed to have a vested interest in the plan. On Pearce's recommendation the man chosen to carry this out was the foremost irrigation engineer in the United States, George G. Anderson of Denver, Colorado.⁴⁸ Anderson was currently the resident engineer for the St. Mary project for the Galt enterprises and had proved his worth in the direction of that comprehensive system. He was the best in the western states and Pearce thought he would now be familiar with

⁴⁶ Pearce to Dennis, February 15, 1900, WPP, file 13.c.1.

⁴⁷ Correspondence and papers relating to feasibility studies on the Bow scheme, WPP, file 22.47.

⁴⁸ Elwood Mead was also considered but he had recently been appointed to the Irrigation Engineering staff of the U.S. Government and was not available. Pearce to Dennis, November 22, 1899, WPP, file 13.C.1.

49

Canadian soils and topography. He wrote to Anderson to

see if he were interested while Shaughnessy wrote to

50

Galt to see when Anderson's services could be obtained.

Galt would not let Anderson leave until his work was

finished on the St. Mary project. This would be at least

a year later but it was decided to delay the final survey

51

in order to obtain the services of the best man. In the

event Anderson was not able to obtain his release from

Galt until 1901. Frustrated by the delays caused by this

turn of events Pearce pressed the railway to start the

project without Anderson's report. The company, however,

was not to be rushed into a scheme that had not been

thoroughly examined. When Anderson completed his

investigation of the Bow scheme in 1901 he recommended that

the company should immediately embark on its implementation.

He had found the Pearce plan to be structurally and

52

economically sound.

49

Pearce to Shaughnessy, December 5, 1899;
Shaughnessy to Pearce, December 18, 1899; Pearce to
Anderson, December 13, 1899, WPP, file 13.c.1.

50

Magrath to Pearce, March 26, 1900, WPP, file
13.c.1.

51

Shaughnessy to Anderson, August 21, 1901, WPP,
file 13.C.1.

52

A copy of Anderson's report to the Minister of
the Interior, July 8, 1901, WPP, file 13.C.1.

Anderson had anticipated being asked by the railway to superintend the Bow scheme. He was, however, in Pearce's view a vain man who continually disparaged the works of others in the field and had in the process made many enemies. Pearce wrote Dennis that he had informed Burgess that Galt felt Anderson's best attribute was his prestige which could be used to raise capital at low interest rates from American bankers. Pearce, Magrath and Galt had all previously warned the railway about Anderson's super ego and urged Shaughnessy not to employ him in any further capacity.⁵³ As a result Anderson was not offered the position.

The railway had also considered Pearce and Dennis for the position. Pearce was grateful for the offer but he did not accept it because he was not interested in the detailed planning of the scheme but rather in the overall engineering aspects. The offer however was more attractive to Dennis who had recently faced continued conflict between the Department of the Interior and the Territorial Assembly over his administration of the Irrigation Branch⁵⁴ and he decided to apply for the job. He felt he did not

⁵³
Pearce to Dennis, November 2, 1901, WPP,
file 13.C.1.

⁵⁴
Dennis to L. A. Hamilton, October 26, 1901,
WPP, file 13.C.1.

have the prestige or seniority that Pearce had in the civil service to enable him to fend off Oliver's attacks. He believed his position was particularly precarious and he was sure he would soon be forced to leave the government's service.⁵⁵

When Dennis received the position he asked Pearce to come with him.⁵⁶ He asked the general manager of the railway to write Pearce to find out his attitude to employment with the railway and the railway officials offered to press the government into releasing Pearce from public service.⁵⁷ Although Pearce considered the offer he was not then inclined to give up his government position.

When Pearce had met Sifton in 1898 he had been assured that he could remain in Calgary until his retirement but in January, 1901 he was informed of Sifton's plans to re-organize the Department of the Interior. This involved

⁵⁵
Dennis to Pearce, November 5, 1901, WPP, file 13.C.1.

⁵⁶
Dennis had resigned his position of Chief Inspector of Surveys with the Department of the Interior on June 7, 1897 to become the Deputy Commissioner of Public Works for the Territorial Assembly. He resigned this post to enter the Canadian Pacific Railway employ in 1903.

⁵⁷
Whyte to Pearce, November 21, 1903, WPP, file 13.C.1.

moving the office of the Superintendent of Mines to Ottawa in an effort to centralize the mining offices and to bring the superintendency closer to the activity on the Canadian Shield.⁵⁸ With no large scale mining activity in the West Pearce's office was somewhat of an anomaly. The move was to take place in February and to be effective from May 31.⁵⁹

Pearce was asked if he would consider moving but he had no inclination to do so. He was now established in Calgary and his roots in the community were so deep that he had no desire to leave. Sifton offered to re-establish the position of Chief Inspector of Surveys in order to enable him to remain in Calgary. Pearce countered this proposal with an offer to resign from the civil service⁶⁰ if the government would add ten years to his superannuation as had been done for H. H. Smith, Commissioner for Dominion Lands when the Lands Board was

58

Correspondence between Sifton and Dr. Haanel of Syracuse University, December 28, 1900 and June 8, 1901 relating to Sifton's proposal to have the professor assume the office of Superintendent of Mines, Sifton Letter Books (PAC).

59

Pearce to R. A. Ruttan, January 30, 1901, WPP, file 22.115; Pearce to Sifton, January 31, 1901, Sifton Papers (PAC).

60

Pearce to Sifton, January 31, 1901, WPP, file 22.126.

abolished in 1898.⁶¹ He wanted 30 years employment credit for his government pension even though he had not paid into the retirement fund in his earlier years as he was not sure then that he would stay a civil servant. His resignation was refused and Sifton told him he could not add to the superannuation time as his post had not been abolished. He promised that as Chief Inspector of Surveys he would retain his salary level. Dr. Haanel, a geologist, was to assume the mines superintendency in Ottawa on June 4.

That summer Pearce invited Shaughnessy to come out to his house in Calgary to see his irrigation works. Shaughnessy, who had been loath to accept the idea of irrigation in the first place, arrived in Calgary in a driving downpour. Pearce was disgusted at this turn of events. He expressed the fear he would not now live long enough to see the day that the Canadian Pacific would start work on the Bow project and asked Anderson to raise a⁶² monument to his efforts in urging the railroad on. Shaughnessy though not convinced Calgary was in a dry lands area was actually pleased with the advantages of

⁶¹
Pearce to T. G. Turriff, Commissioner of Dominion Lands, July 18, 1898, WPP, file 22.144.

⁶²
Pearce to Anderson, June 13, 1902, WPP, file 22.5.

closing out the railway's land grant. He had changed his mind as a result of a chance remark by Pearce that the Bow scheme would provide enough capital from land sales in the irrigated block to build profitable spur lines into the project area. The idea that otherwise barren lands could provide capital to build more railroads appealed to Shaughnessy who became more favourably inclined to the
 63
 Bow plan.

The result of this meeting and a return to better business conditions brought the government and the railway closer to agreement on the Bow scheme. The government prepared a draft Bill to initiate the transfer of lands to the railway during the 1902 Session, but this was held up by a proliferation of private bills and Frank Oliver's
 64
 opposition. Oliver was opposed to the railway gaining control of lands on both sides of the Bow River for any distance and Sifton obliged him by delaying the Bill for that session. Sifton, though irritated by Oliver's stand, was not strong enough to force it through the House in the face of his opposition. The proposed transfer of lands in

 63

Pearce to A. Dawson, December 12, 1917, WPP, file 13.D.5.

64

W. Whyte to Sifton, June 4, 1902, Sifton Papers (PAC).

a block to the Canadian Pacific Railway was finally⁶⁵
authorized by the Privy Council on August 22, 1903.

Now that the railway had committed itself to the Bow scheme for the purpose of gaining title to the lands that came with the block the directors were even more anxious to have Pearce with them and they made him a firm offer of employment in May, 1903. Shaughnessy, who knew⁶⁶ him as an expert on western affairs, urged him to accept. His knowledge would be invaluable in handling the proposed project and he would be a welcome guide to the cutting of the red tape of government departments. Pearce knew the ins and outs of the government bureaucracy from his close relationships to senior members of the civil service and his acquaintance with cabinet ministers. The railway was also aware that he was not without influence in government⁶⁷ circles.

65

Correspondence and documents relating to the transfer. Under the terms of the agreement the railway was given until June 30, 1904 to make its selection of lands. After that time all unclaimed lands due it under its charter were returned to the Public Domain. WPP, file 13.B.7.

66

Pearce to Col. S. B. Steele, May 21, 1903, WPP, file 22.14.

67

Dennis to Whyte, April 18, 1903, WPP, file 27.14.

The Minister of the Interior under pressure from the railway directors abolished the office of Chief Inspector of Surveys in order to warrant Pearce's early retirement on April 1, 1904.⁶⁸ The president of the railway had requested Pearce's services from the Prime Minister and Laurier complied with the request.⁶⁹ As the company was adamant that Pearce leave the government on good terms he did not fight the pension ruling which denied him five years of pensionable service. The company in its efforts not to antagonize the government agreed to match his former salary so that his pension was additional.⁷⁰ It was apparent that the company desired Pearce more for his government influence and knowledge of department organization than for the settlement plans that Dennis now had well in hand.

As Pearce had anticipated working with Dennis on the development of the Bow scheme he now welcomed other duties owing to the turn of events. For the next twenty-six years he

68

Because Pearce was not ill and had not served 35 years in the civil service he could not receive a pension. Therefore Sifton abolished his office to permit his early retirement. His annual pension was calculated at \$1,380 based on his contributions to the pension fund over 23 years of service. Pearce had demanded his pension time should be calculated from his first government employment in 1874.

69

Shaughnessy to Whyte, April 22, 1903, WPP, file 27.14.

70

Idem.

was involved in important work for the railway relating to the development of the West. His interests in this period expanded to include studies of the natural resources of the plains, demographic research for the purpose of planning railway spur lines, the promotion of the North Saskatchewan Irrigation Scheme, a forerunner of Alberta's present PRIME plan, and exploration surveys into the Peace River block.

Pearce was officially retired from the Canadian Pacific Railway in 1926. Through the auspices of his old friend J. S. Dennis Jr., now an Assistant to the President, he was able to retain his office space and some secretarial assistance. He continued writing memorials on a variety of important subjects under study by railway personnel until shortly before his death on March 3, 1930 at the age of 82.

CHAPTER VII

CONCLUSION

William Pearce had a long and distinguished career in the service of the Government of Canada. In his thirty years in the federal civil service as an employee, and subsequently as a senior official of the Department of the Interior, no other person did so much to assist in the development of the Canadian West. Between 1882 and 1896 his views were predominant in the formulation of the government's western policies. During this period his superiors so consistently accepted his advice that he became known to his friends and enemies alike as the Czar of the West.

Pearce joined the civil service as a surveyor in 1874 and until 1881 he was employed by the Surveys Branch in Manitoba. The excellence of his field work and the efficient manner in which he carried out his assignments did not go unnoticed by the Surveyor-General. He was known to his superiors as a man who would accept any task and carry it out satisfactorily regardless of the weather or the season. His patience and integrity in sorting out the conflicting land claims in the Red River Settlement and the outlying parishes earned him high regard and marked him for

future advancement within the Surveys Branch. In addition he brought to his work a perceptive and inquiring mind which he used to ascertain the needs of the region and to formulate plans to meet their needs. It was during this period that he brought to the attention of his superiors the need for government regulation of natural resources within the Territories. This came about as a result of his observations of the limited timber and water supplies on Turtle Mountain. He urged the Department of the Interior to administer the development of these resources and through a system of inspection and licensing to restrict their use primarily to the needs of the bona fide settler. His views on the conservation of Territorial resources were made known to the Deputy Minister of the Interior who found himself in agreement with Pearce's proposals. Pearce's character, the record of his work in eight years of government service and his views on Territorial development led to his promotion in 1882 to the newly established Dominion Lands Board as the Inspector of Dominion Lands Agencies and in 1884 to the Superintendent of Mines. He had been chosen by his superiors over men more senior in the service because of his merit and because they were convinced that a man of his ability, desire and force would get the job done in the manner they desired.

As the Inspector of Lands Agencies Pearce's

authority stretched from the international border to the 56th parallel and from the Red River Settlement to the Rocky Mountains. Within this region of some 400,000 square miles he had the responsibilities of the administration of the Outside Service and of reporting directly to Prime Minister Macdonald his ideas on the development of all the land, timber, mineral and water resources throughout the Territories. Because of the nature of his duties Pearce covered most of the region in person. Constantly travelling over the plains averaging in excess of 4,000 miles each year he became a familiar figure throughout the West. Wherever he went he talked to anyone who would stop to pass the time of day with him about their hopes and aspirations. From these conversations and his observation of the topography of the land he was able to acquire an intimate knowledge of the West which permitted him to originate detailed proposals of far reaching consequence on Territorial development. His perception of the western scene and his proposals for its future development were well received in Ottawa. It was immediately apparent that his views on Territorial growth were not only coincident with those of his superiors but in many instances more fully developed. His belief in the objectives of Macdonald's National Policy and his ability to adapt those objectives to the western scene through

realistic proposals soon made him the government's trusted adviser on western affairs. From this position he was able to influence greatly the making of the government's western policy. To the extent that his superiors acted upon his proposals the government's western policy mirrored the needs of the West. As the government's adviser on western affairs to a great extent the government's western policy was his.

Pearce took every opportunity to inform his superiors on his views of western development. Here his character met the moment where many others in the same position might have remained within the narrow confines of its responsibilities. But he would not. His actions took in the widest possible scope. He did not hesitate to report to his superiors on the activities of the other branches of the Department of the Interior if he believed by so doing he would benefit the region. This made him enemies in high places, most notably Edgar Dewdney, the Lieutenant-Governor of the Territories and later Minister of the Interior.

For his time Pearce's ideas on resource development were advanced. He saw the success of western settlement in economic terms and he was determined to assist the individual settler to achieve his material reward. He was therefore determined that the uncontrolled development of

western wealth at the hands of private enterprise should be arrested. To this end he promoted government regulation of natural resources and the formulation of resource development planning that would benefit the region as a whole.

His observation of the western scene prompted him in the 1880's to promote government support for the ranching industry on the short grass plains. His advocacy of this policy stemmed from his conclusion that the scattered and limited nature of prairie settlement did not permit the formation of large urban markets for farm produce, that eastern markets for cereal crops were too distant and that the industry was peculiarly suited to the region. He believed that only ranching held the prospect of profit necessary to the economic well being of the West. Ranching was extensive in nature and it would make the maximum use of western land resources. In comparison farming, owing to a limited rainfall, could only develop 3% of the total land area. Having decided that ranching was the only viable industry for the plains Pearce used his authority to withdraw from settlement and reserve for stock watering all unclaimed water resources in the West. When an inventory of these reserves indicated that they would be insufficient to support the expanded range herds Pearce envisioned he sought elsewhere for additional water supplies.

His active imagination brought him to the conclusion that he would have to bring the water from the mountains onto the plains below. He had observed the water management programs developed by the Mormons in Utah and he believed the American experience could be adapted to the Canadian scene. In pursuit of his goal he promoted government control of western water supplies and urged his superiors to develop the required water diversion system.

Initially these proposals were met with alarm by his superiors who felt that talk of an arid West would hinder immigration and stop land sales. Pressure from the Prime Minister and officials of the Canadian Pacific Railway did not deter him from promoting his ideas in private although it did stop him from making public pronouncements on the need for water management programs until 1891. Until then the government chose to ignore the problem but the continuance of the prairie drought and the public concern for remedial measures forced a change in government policy. Pearce's persistent advocacy of water management systems met with success when he was asked to prepare legislation in 1893 permitting government administration of western water supplies. Under his proposals the government abrogated the riparian right to water within the Territories and assumed the regulation of future development.

Pearce's promotion of irrigation led to the initiation of large scale irrigation projects within the Territories in the 1890's. The largest was that undertaken by the Canadian Pacific Railway in their Irrigation Block east of Calgary. This and other large scale irrigation systems were comparable to those developed in the western United States and in northern India but whereas in these areas irrigation was essential to the agricultural industry in the Canadian West it was necessary only in the dry years. With the return of spring rains in 1896 settlers turned away from the expensive and time consuming irrigation farming practices. This coupled with advances in dry land farming techniques dealt a death blow to Pearce's proposals to turn the southern plains into an irrigated region. Although there are today a number of irrigated areas in the south, notably at Brooks, Medicine Hat and on the Lethbridge Plains, the extent of land under irrigation is far from that proposed by Pearce at the turn of the century.

Pearce's proposals for water management systems are still under active consideration but instead of being directed towards the support of ranching industry they are now seen as multi-purpose projects encompassing the development of hydro-electric power, flood control and recreational facilities. Pearce was aware of this trend

when he devised plans for the North Saskatchewan Scheme in 1920 which took account of the multi-purpose principle. This proposal for the sequential diversion south of the northward flowing rivers is a central feature of Alberta's PRIME plan.

The most lasting of his development proposals is undoubtedly the reservation of wilderness areas for parkland. He was the prime instigator of a national park system and in 1885 helped to draft the legislation for the Rocky Mountain Park. In subsequent years he located other national park reserves in the Rocky Mountains as a result of his travels in the mountain regions. In each instance he used his authority to deny settlement claims to lands within the reserves as he proposed to keep their development solely in government hands. His ideas on park reserves stemmed from his family heritage and from his experiences in surveying in the northern Ontario forests when as an apprentice he developed his ideas on sharing the beauties of nature with the general public. When William Van Horne suggested to him that the Canadian Pacific Railway would accept title to the hot springs in the Banff area for purposes of developing tourist facilities Pearce saw the dangers implicit in deeding these natural resources to private enterprise and he acted to ensure government control over this scenic area. Though to Pearce his work in promoting

a national park system was rewarding but less important than his regional development planning, his park reserves are today immeasurable national assets.

His promotion of western development did not stop when in 1904 he left the government service for that of the Canadian Pacific Railway. His interest in the West continued at an accelerated pace. He became involved with the development of the oil and gas industry and was a promoter of the Turner Valley development. Later he was to promote the development of the Athabaska Tar Sands. As a statistician for the railway he had access to a variety of data on western development which, with the railway's permission, he made available to the Soldier Settlement Board and to Clifford Sifton's Conservation Commission. He also carried out initial resource inventory surveys of the Peace River Block and the Mackenzie River basin. With the turn of the century his interest chanced upon everything from the noisy horseless carriages to electrification. On these he readily made his views known through the medium of the press.

The government career of William Pearce spans the early period in the development of the Northwest Territories. The government was fortunate to have a man of his calibre in the West during these formative years and his long term of service in high places indicates the value the Department

of the Interior placed on him as an individual. When he left the government service he said that he had tried loyally to carry out his duties in the best interests of the government and the nation as a whole and that what he had done he had done honestly and openly. With not altogether characteristic modesty, Pearce underestimated accomplishments that place him in a high tradition of public service.

APPENDIX A

BIOGRAPHICAL NOTE

The biographical data for this study have been taken from the following sources: WPP: A memorial from Pearce to the Governor General of Canada outlining his civil service career, June 25, 1909, file 30.42; A letter to Adolphina Pearce containing a biographical sketch for the family, page 1 is missing, c. May, 1909, file 10.14; A copy of his professional record submitted to the American Society of Irrigation Engineers, file 3.5; A memorial to John Hall, Secretary of the Department of the Interior, concerning superannuation, September 19, 1892, file 22.55; Superannuation file 21.14; Pearce's Travels, file 28; Private family correspondence file 24.

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A memorandum furnished by Walter Pearce at St. John, New Brunswick, under date of the 24th, October, 1925. WPP, 22.17.

"On the way to Chattanooga, Tenn., I was able to spend part of a day at home and while there took a copy of the information which you were seeking to obtain. This information has been filled in on leaves designed for that purpose between the Old and the New Testaments. Each sheet is headed with the words "Family Record" and some sheets have been set aside for births, others for marriages and others for deaths. On the attached sheets is a copy of the information contained in this record.

Family Record.

(Page 1)

Births.

Births.

William Pearce	born April 28, 1806
Leslie Pearce	" Sept. 7, 1807
Katherine Pearce	" May 3, 1809
Richard Pearce	" March 9, 1811
Mary Ann Pearce	" Nov. 30, 1813
John Pearce (1st)	" Dec. 18, 1816
John Pearce (2nd)	" Nov. 14, 1818

Family Record.

(Page 2)

Marriages

Marriages

Katherine Pearce and William Moorhouse, married on Monday the 20th, December, 1830 by the Rev. Mark Burnham.

John Pearce and Elizabeth Moorhouse, married on the 12 of August, 1840 by the Rev. Mark Burnham, in the township of Ephemia, county of Langton.

William Pearce and Ann Moorhouse, married on Tuesday the 4th, January, 1831 by Kirby Esquire.

John Pearce was born on the 14 of Nov., 1818, the youngest son of John and Frances Pearce nee Patterson see next page.

Elizabeth Moorhouse was born in the Parish of Kil-- county of Oxford, Ireland; the daughter of Thomas Moorhouse and Jane nee Hopkins, date of birth 5th, December, 1814.

Family Record

(Page 3)

Births

Children of John Pearce and Elizabeth his wife who were married on the 12th of August 1846

John Seabury Pearce born 15th June, 1841 Thomas Leslie Pearce born 18 April, 1843 Frances Mary Pearce born 5 June, 1846, died in her Father's house on the 21st, March, 1874. William Pearce born on 1st, Feb., 1848 Joseph Pearce born on 10, Feb., 1852 died at -----ood Hospital in St. Thomas, April 4, 1897.

Births

Jane Elizabeth Pearce born on 12 May 1856 died in her father's home on the 21st, October 1875

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